

Leamington Vineyard Learning Centre

Complaints Policy

This policy sets out the procedures which LVLC will follow whenever it receives a complaint for which there are not alternative statutory procedures. This policy may be used by anyone who has a concern or complaint about any aspect of LVLC. In the main this will mean the parents and carers of LVLC's pupils, but may include neighbours of LVLC, or any other members of the local community.

Aim of the Policy

This complaints policy aims to:

Encourage the resolution of problems by informal means wherever possible;

- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with LVLC.

A summary of the various stages is given below:

Stage 0	Informal discussion and resolution with member of staff
Stage 1	Referral to and investigation by Principal
Stage 2	Referral to and investigation by LVLC Leadership
Stage 3	Referral to and review by Complaints Panel

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure). It is stressed that the majority of complaints are resolved on an informal basis.

At each stage of the complaints procedure, the conclusion will be either:

- That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken
- OR**
- That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review LVLC's policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that LVLC could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to the improvement of LVLC. When individual complaints are heard, LVLC may identify issues that need to be addressed. The monitoring and review of complaints by LVLC and the Leadership can be useful to evaluating LVLC's performance. Any discussion of complaints by the Leadership or others in LVLC's community should not name or be able to identify individuals.

Circumstances under which this procedure should not be used

This guidance does not refer to areas where the Local Authority (WCC) has the lead role or for which different procedures must be followed. These areas are:

- Staff Conduct
- Collective Worship
- Religious Education
- Pupil Admissions
- Pupil Exclusions
- Statement of Special Educational Needs
- Safeguarding/Child Protection
- Criminal investigations
- Employee Grievances

If you are uncertain about whether your concern falls outside this procedure, the Principal can advise you if it is a matter which will be dealt with in a different way.

This complaints policy is distinct from formal staff disciplinary proceedings. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant will be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

Staff wishing to complain should refer to other internal policies eg. Whistleblowing Policy, Grievance, Pupil Conduct.

This policy does not cover complaints made against Warwickshire County Council. Any complaint of this sort should be dealt with in accordance with the Council's 'Corporate Complaints Procedure'.

Circumstances under which stages of the procedure should be missed out

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In all cases where the complaint concerns the Principal directly, stage 1 will be missed out and the formal complaints procedure will begin at stage 2.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Principal directly (ie. begin at stage 1). Complainants may choose to contact the Principal directly of their own accord. In these cases it will be at the discretion of the Principal as to whether or not it is appropriate for the complainant to discuss the matter informally (ie. return to stage 0).

If and when complaints about LVLC are brought to the attention of Warwickshire County Council, the majority of complainants will be advised to contact LVLC and to follow the procedures set out within this document from stage 0 onwards. In certain exceptional cases, however, it may be

decided, at the discretion of the Director of Children, Young People & Learning, that it is appropriate to deal with the complaint at a different stage.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Personal information will only be shared between staff on a 'need to know' basis.

Equal access, accompaniment and representation

Appropriate steps will be taken to provide any and all individuals with the opportunity to raise their concerns and/or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, an alternative appropriate venue will be sought.

Equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. It is acknowledged that complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual dealing with the complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

Vexatious complainants

There may be occasions when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complaint becomes vexatious (eg. the complainant tries to re-open the same issue), the LVLC Leadership can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

The Complaints Procedure is outlined on the pages that follow.

Stage 0: Informal discussion

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

Individuals may decide to raise their concerns with a member of LVLC's administrative staff, class teacher, senior teacher, member of the LVLC Leadership or Principal depending on their wishes and the type of issues they want to discuss.

It is not necessary to record or monitor complaints at this level.

There are no specific time scales for dealing with concerns at this stage. It is noted that this process may require more than one meeting or discussion. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

The complainant should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

If the complainant is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to this Complaints Procedure and told how to move on to the next stage.

Stage 1: Referral to and investigation by the Principal

This is the first stage of the formal complaints process and, as a result, all communications henceforth between parties need to be carefully recorded and monitored.

When a formal complaint is made directly against the Principal of LVLC, Stage 1 is not required and the formal procedure begins at Stage 2.

An unresolved concern under Stage 0, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of LVLC's policies, procedures, management or administration should be set out in writing with full details and sent with copies of all relevant documents and your full contact details for the attention of the Principal, using the Complaint Form. Should a formal written complaint be received by another member of LVLC's staff, he/she will immediately pass it to the Principal.

Before proceeding with a formal investigation, the Principal will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Principal will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the Principal, using LVLC's Complaint Form.

The Principal will formally acknowledge the complaint within **3 school days** of receiving it, and begin an investigation.

The Principal will need to investigate the complaint and review any relevant documentation and information. If necessary, the Principal will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed. When pupils are interviewed, an additional member of staff will always attend.

As indicated earlier in this policy, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

The Principal will provide the complainant with a full written response within **10 school days** of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they will be referred to this Complaints Procedure and told how to move on to the next stage.

Stage 2: Referral to and investigation by a nominated representative of the LVLC Leadership

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the LVLC Leadership at LVLC's mailing address. The envelope should be marked '*FOR IMMEDIATE ACTION*' '*PRIVATE AND CONFIDENTIAL*'. Staff will ensure that the letter is forwarded to a nominated member of the LVLC Leadership without delay.

The complainant will be asked to complete a LVLC's Complaint Form if they have not already done so. The Leadership will offer to help an individual to complete the form if appropriate.

On receipt of the complaint form the Leadership will:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- inform the Leadership that a complaint has been received.

No further information about the complaint should be shared with other members of the LVLC Leadership.

A nominated Leadership representative should acknowledge receipt of this letter **within 5 school days** if possible but no more than 10 at most by writing to the complainant.

At this point the Leadership representative will decide whether the complaint should go straight to the Leadership Complaints Panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Principal are willing for it to be tried. If mediation is not successful, the complaint will be considered by the Leadership's Complaints Panel.

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Principal another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Principal and complainant identify and build on areas of agreement
- It gives Principal and complainant a structure within which they can resolve remaining differences.

If both the complainant and the Principal emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an appropriate apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an acceptance that the complaint needs go no further
- a commitment to review LVLC's policies in light of the complaint.

Even if the complaint continues to a Leadership Panel, the issues to be considered are likely to be much clearer following the mediation.

Stage 3: Referral to and review by the Leadership Complaints Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of members of LVLC's Leadership. It is noted that complaints rarely reach this level. If not already discussed at mediation, the complainant must inform the Leadership of their decision to proceed to Stage 3 of the Complaints Procedure **within 10 school days** of mediation.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between LVLC and the complainant. A complaint to the Leadership Complaints Panel will never be against a junior member of staff (it may be against the way the Principal handled a complaint against a junior member of staff).

At this stage, the nominated representative of the Leadership should write to the complainant and inform them that their complaint will be heard by a Complaints Panel **within 15 school days**. The nominated representative of the Leadership will also inform the other members of the Leadership that the complaint has escalated to Stage 3 of the Complaints Procedure. Again, no further information about the complaint should be shared with other members of the Leadership.

A panel of 3 members of the Leadership will be chosen to form the Complaints Panel. The decision about the membership of a particular panel will depend on factors such as availability, whether any members of the Leadership have prior knowledge or have a conflict etc. and the decision will be made by the Leadership. It is important that the appeal hearing is able to be independent and impartial and that it is seen to be so. No member of the Leadership may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

This description above does not cover exceptional circumstances which might include the Leadership may not be able to find three members of the Leadership who have no prior knowledge of the case. If a case has become a major talking point around the community, the chair can nominate three members of the Leadership with minimal prior knowledge. If there are still insufficient members of the Leadership able to sit on a panel, the Leadership in consultation with the Local Authority will put in place an alternative fair process.

The Leadership will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date, time and venue will be arranged for a hearing and all existing relevant documentation will be given to the three appointed representatives of the Leadership. The nominated representative of the Leadership, or a nominated clerk, will then formally write to the complainant, the Principal and any other relevant staff or witnesses and inform them:

- of the date, time and venue of the hearing;
- of the aims and objectives of the hearing and how it will be conducted;
- that any documentation they wish the committee to consider must be returned to the Clerk **no later than 5 school days** before the hearing takes place;
- of the rights of equal access, accompaniment and representation as set out within this policy;
- how and when the committee will reach their decision.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing — there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment. It is the responsibility of the nominated representative of the Leadership (or clerk) to ensure that all parties receive all relevant documents **at least 3 school days** before the date of the hearing so as to allow individuals to familiarise themselves with them.

The Chair of the Panel will be nominated by the LVLC Leadership and is responsible for ensuring that both the complainant and the Principal are given a fair hearing and that the panel arrives at its judgment without fear or favour. The Complaints Panel must be clerked, and as such will be attended by the Clerk to the Leadership, or by another appropriate individual who will act in such a role for the panel meeting.

The panel Chair will ensure that the proceedings areas welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial to either party.

The Complaints Panel will adopt the following format:

1. Complainant and Principal will enter the room where the hearing is taking place together
2. The Chair will introduce the panel members and the Clerk and outline the process
3. The complainant is invited to explain the complaint
4. The Principal may question the complainant
5. The panel will question the complainant
6. The Principal is then invited to explain the LVLC's actions
7. The complainant may question the Principal
8. The panel will question the Principal
9. The complainant is then invited to sum up their complaint
10. The Principal is then invited to sum up the LVLC's actions and response to the complaint
11. The Chair explains that both parties will hear from the panel within 5 working days
12. Both parties leave together while the panel decides on the issues
13. The Clerk will remain with the panel to clarify any issues

Panel members must ensure that questions asked maintain impartiality.

From the formation of the Panel to the end of the Complaints Procedure, the Principal must have no contact with members of the Leadership Complaints Panel except when the complainant is present to preserve the principle of neutrality. This means that Principal and complainant enter and leave the room where the hearing is held together.

After the hearing the Complaints Panel will consider the complaint and all the evidence presented and:

- reach a unanimous, or at least majority, decision as to dismiss or uphold the complaint in whole or in part;
- decide on appropriate action (if any) to be taken to resolve the complaint;
- recommend changes to, or request a review of, LVLC's systems or procedures to ensure problems of a similar nature do not recur.

The Panel may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated — but cannot overturn the decision itself.
- Consider the thoroughness with which the Principal investigated a complaint about a member of staff — but cannot expect the Principal to provide details about confidential discussions with that staff member.
- Consider the manner in which a complaint about any decision was addressed ask for the decision to be reviewed — but cannot expect the Principal to have changed the decision.
- Consider and, if appropriate, identify limitations in a policy or procedures —but cannot make changes to the policy. (It can, however, recommend that the policy be reviewed by the Leadership to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy).
- Consider whether it should recommend that the Leadership offer appropriate redress.

The Clerk should ensure that s/he has clear wording stating the Panel decision about each of the issues that the panel considered before the panel is allowed to finish. The Clerk will use that wording to draft the decision letter. The letter should clearly express how seriously the panel

considered the complaint. The clerk should be careful that the letter sticks to the facts and gives no hint of partiality. This letter should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Principal. This should be ***within 5 school days*** of the Panel hearing.

There may be exceptional circumstances in which the complaint is against the LVLC Leadership - eg. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Principal' would be read as 'LVLC Leadership'.

Can parents take their complaint further?

Parents cannot take their appeal further than the LVLC Leadership. The Local Authority cannot investigate school matters on a parent's behalf nor can it review how LVLC has dealt with a complaint. If a parent feels that LVLC has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education and Skills, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1 P 3BT.