

CRAMLINGTON LEARNING VILLAGE



PROCEDURE ON THE HANDLING OF CONCERNS AND COMPLAINTS

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1. Aims

It is our aim that every concern or complaint that is raised with the school is resolved in a positive and transparent manner. It is important that the school knows as soon as possible if there is any cause for dissatisfaction, as we recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships. We want parents and students to know that a complaint will be taken seriously, and it will not adversely affect a student or their opportunities at the school.

This policy sets out how we ensure that a concern or complaint raised by a parent/carer is managed sympathetically, efficiently, is considered at the appropriate level and is also resolved as soon as possible.

The school expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

The policy distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

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

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 and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

In drafting this policy we have followed the guidance 'Best practice guidance for academies complaints procedures' on the Gov.uk website here

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures>

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

This policy complies with our funding agreement and articles of association.

3. Scope

The school 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
- Whistleblowing
- Staff grievances
- Staff discipline
- Complaints about services provided by other suppliers who may use school premises or facilities.

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

3.1. Who can make a complaint?

This policy only applies to concerns and complaints from parents, guardians and carers of pupils at Cramlington Learning Village, regarding their child. Where concerns and complaints are raised by other parties, these will be dealt with appropriately by the school but independently of the procedures of this policy.

3.2. Types of Complaint

The complaints procedure sets out the steps that will be followed if the subject of the complaint is:

- one or both of the Co-Headteachers
- a member of staff
- a member of the governing body
- the entire governing body.

4. 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.

4.1. Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

5. Stages of Complaint

5.1. Stage 1: informal complaint

The school will treat all concerns raised as an informal (Stage 1) complaint. The school will treat this concern 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 their concern as soon as possible with, as appropriate, the relevant member of staff. This may be the classroom teacher, Learning Guide, Head of Department, a Pastoral Coordinator or Head of Year or a senior member of staff. The following table gives a range of example scenarios along with guidance on who to refer your concern to.

Nature of concern	Who to contact
Homework issues	Classroom teacher or Learning Guide
Concerns about interactions with other students	Head of Year/Pastoral Coordinator
Behaviour sanctions	Head of Year/Pastoral Coordinator
Concerns about teaching	Head of Department, Deputy Headteacher who line manages the subject
How pastoral issues have been applied	Head of Year, Deputy Head for JLV/SLV/ALV

This can be done 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 by telephone via 01670 712311 or by email via admin@cramlingtonlv.co.uk

You can expect a response from the relevant member of staff within 2 school days, and an appropriate resolution will aim to be reached within 5 school days.

Under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the concern and/or file correspondence between the person raising the concern and the respondent.

We will do everything we can to resolve the concern in school. If however the complainant feels that this concern has not been resolved to a satisfactory conclusion, the complainant may wish to escalate this to a formal complaint.

5.1.1. Concerns and complaints about one or both of the Co-Headteachers

Concerns and complaints against one or both of the Co-headteachers are dealt with by the Chair of Governors and then a panel hearing, if applicable. Your concern should be referred to Jane Elliott, the Clerk to the Governing Body, who will ensure the Chair of Governors receives the information.

5.1.2. Concerns and complaints against individual governors or the governing body

Concerns and complaints against individual governors are raised with Jane Elliott, the Clerk to the Governing Body. The Clerk will then arrange for the complaint to be heard by the Chair of Governors and then a panel hearing if applicable.

Concerns and complaints against the Chair, the entire governing body or complaints involving both the Chair and Vice-Chair should also be sent to the Clerk, who will then determine the most appropriate course of action.

5.2. Stage 2: formal complaint

If the complainant feels that their concern has not been resolved they should let us know. The formal complaint involves the complainant putting the complaint in writing.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. A form is attached in Appendix A.

The complainant should also state what they feel would resolve the complaint.

If complainants need assistance in raising a formal complaint, they can contact the school office by telephone via 01670 712311 or by email via admin@cramlingtonlv.co.uk for support.

Acknowledgement - A Co-Headteacher will acknowledge receipt of the complaint in writing (either by letter or email) within 2 working days during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

Investigation and Resolution - The Co-Headteacher may deal with the matter personally or delegate a senior member of staff to act as "investigating officer." The "Investigating Officer" may request additional information from the complainant and will fully investigate the issue. In

most cases the Co-Headteacher or Investigating Officer will meet or speak with the parent/carer to discuss the matter.

Outcome: The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint as soon as possible but at least within 15 working days from the receipt of the complaint. Please note that any complaint received during a School holiday may take longer to resolve. Any complaint received within 15 working days of the end of term or half term may also take longer to resolve.

Record of complaints: Written records will be kept of any meetings and interviews held in relation to the complaint.

Unresolved Complaints: Where the complainant is not satisfied with the school's response to their complaint they may have their complaint considered by an independent Complaints Panel by informing the Clerk to the Governing Body in writing within ten school days of receipt of the school response to their complaint.

5.3. Stage 3: Appeal - Complaint Heard by the Complaints Panel

Request: A request for a complaint to be heard by a Complaints Panel must be made in writing and within 10 working days of the date of the school decision made at Stage 2.

Acknowledgement: The Clerk to the Governing Body will acknowledge, in writing, receipt of the appeal within 2 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

Panel Hearing: The Clerk will aim to convene a Complaints Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

Panel Membership: The Panel will consist of two Governors on the Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the academy. In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

The Remit of the Complaints Panel:

The Panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the Complaint Panel hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

Attendance: The following are entitled to attend a Complaints Panel, submit written evidence and address the Panel:

- The parents/carers and/or one representative
- The Co-Headteachers and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

Evidence: All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- Documents
- Chronology and key dates
- Written statements setting out further detail.

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

Decision: The Panel will reach a decision, and make any recommendations within 10 working days of the hearing. The decision reached is final.

Notification of the Panel's Decision: The Panel's findings will be sent, by writing, to the Clerk, to the parents/carers and the Co-Headteachers and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

6. Roles and Responsibilities

6.1. The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Cooperate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media.
- Do not approach individual governors about the complaint

6.2. The investigating officer

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Co-Headteachers or complaints panel which includes the facts and potential solutions.

6.3. The complaints coordinator

For complaints made against a member of staff, the complaints coordinator will be one of the Co-Headteachers in the school. They will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Investigating Officer, Chair of Governors, Clerk
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support
- Keep records.

6.4. The Role of the Clerk: All panels considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings
- Notify all parties of the panel's decisions.

6.5. The Role of the Chair of the Governing Body:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Clerk to arrange the panel.

6.6. The Role of the Chair of the Panel: The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents or others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acts independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions.

If the school's complaints procedure is found not to meet regulations, the school will be asked to correct its procedure accordingly.

We will include this information in the outcome letter to complainants.

8. Unreasonable and Persistent complaints

8.1. Unreasonable complaints

- Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person: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 ESFA
- 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
- Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school 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.

8.2. Serial/Persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing to the parties involved. This may include barring an individual from our school site.

8.3. Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

8.4. Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

9. Record keeping

The school 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 through

a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

10. Learning lessons

The Chair of Governors will review any underlying issues raised by complaints with the Co-Headteachers 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.

11. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by Jane Elliott, Office Manager and Clerk to the governing body.

This policy will be reviewed by the governing body every 2 years as per DfE recommendations

At each review, the policy will be approved by the full governing body.

Appendix : Complaint Form

CLV - COMPLAINT FORM

Please complete and return to Jane Elliott, Office Manager and Clerk to the governing body.
who will acknowledge receipt and explain the complaints process.

Your Name

Pupil's name

Your relationship to the pupil (if relevant)

Address

.....

Telephone number (day)

Mobile number.....

Email address.....

Telephone number (evening)

Please give brief details of your complaint

.....

.....

.....

.....

.....

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

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.....
.....

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

.....
.....
.....
.....
.....

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

.....
.....
.....
.....
.....
.....

Signature (Complainant)

Date