COMPLAINTS AND CONCERNS POLICY

POLICY	PROCEDURE	REFERENCE	FORMS
SSPo49 – Managing Aggressive and Unreasonable Behaviour Towards Staff Policy	SSPr1 – Complaints and concerns Procedure	SSR47 - Complaints About Schools	SSF1 – Staff Parent Concern Report
SSPo47 – Managing serial and unreasonable complaints Policy		The Education (Independent School Standards) (England) Regulations 2014	SSF1a – Contact Information Sheet

About the Policy

The difference between a concern and a complaint

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

- A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

Why have a complaints and concerns procedure?

A complaints and concerns procedure can provide a form of accountability, providing the complaint or concern is taken seriously and not dismissed as an unwarranted interference. This complaints and concerns procedure is not limited to parents or carers of children that are registered at the school.

The concerned person's knowledge is unique and if they express their dissatisfaction there is an opportunity to put it right before it becomes a complaint.

An effective complaints and concerns procedure allows the person to inform the school when, as far as they are concerned, there has been a failure of service. If the service is improved as a result and policies adjusted as required, the expression of concern was worthwhile.

Things will go wrong from time to time. What is important is that effective systems exist to put things right; that people find it easy to register their complaint or concern; and that complaints and concerns are welcomed and acted on, not ignored or brushed off.

Putting a complaints and concerns system in place is however not an end in itself. There needs to be an evaluation of how it is working and adjustments when improvements can be made. Just like the public services, we need to ask ourselves:

- Are those who use the complaints and concerns procedures satisfied with it?
- Does it promote good practice and deter bad practice?
- Is it used to learn from complaints and concerns raised?

It's in everyone's interest that complaints and concerns are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. LHAA will take informal complaints and concerns seriously and make every effort to resolve the matter as quickly as possible.

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However, there will be occasions when complainants want to raise their concern formally. In those cases, our *Complaints and concerns Procedure* **SSPr1** will be followed.

Statutory and Regulatory Framework

This policy is implemented in accordance with Standard 33 of the Education (Independent School Standards) Regulations 2014 and is intended to ensure that complaints are handled fairly, effectively and in a timely manner.

The Academy recognises the importance of maintaining effective procedures for handling concerns and complaints and of learning from outcomes in order to improve provision and protect pupil welfare.

This policy should be read alongside the Data Protection Policy, Privacy Notices, Child Protection and Safeguarding Children Policy and Procedure, E-Safety Policy and relevant information governance procedures.

Data protection complaints

LHAA recognises that individuals have the right to complain if they believe that their personal data has not been handled in accordance with applicable data protection legislation, including the UK GDPR and the Data Protection Act 2018, as amended.

A data protection complaint may concern, for example, the way personal data has been collected, used, stored, disclosed or otherwise processed, or the way LHAA has handled a request relating to an individual's data protection rights.

Individuals may make a data protection complaint using the school's existing complaints channels, including in writing, by email, by telephone, in person or through the school's internal communication platform. Individuals do not need to use legal terminology or refer specifically to data protection legislation in order for their complaint to be considered.

Where a person wishes to make a data protection complaint, they may use any of the school's existing complaints channels. They may also contact the Data Protection Officer (DPO)

at the school using the contact details published in the school's Privacy Notice.

A person does not need to use the words "data protection complaint" or identify a particular provision of data protection legislation. Where the substance of the complaint indicates that it concerns the handling of personal data, staff should refer the matter promptly to the Data Protection Officer (DPO)

Where it is unclear whether an individual is making a data protection complaint, the school will seek clarification where necessary.

Data protection complaints will normally be acknowledged within five school days.

The DPO will begin consideration of the complaint without undue delay and will keep the complainant informed of progress.

The Academy will aim to provide a substantive response within one calendar month wherever reasonably practicable. Where additional time is required because of complexity or volume of information, the complainant will be informed and provided with an updated timescale.

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Where a complaint also involves a request to exercise a statutory data protection right, such as a subject access request, rectification, erasure, restriction or objection, the relevant data protection rights process will also be followed. The complaints process will not delay or replace the statutory process applicable to that request.

Where a complaint concerns a potential personal data breach or other significant data protection issue, the matter will be referred promptly to the Data Protection Officer (DPO)

within LHAA so that any necessary data protection, security or breach-management procedures can be followed.

Individuals may also complain directly to the Information Commissioner's Office (ICO). LHAA will provide appropriate information about how to contact the ICO where relevant.

The Academy's Data Protection Officer (DPO) is the first point of contact for concerns relating to personal data, privacy rights, information sharing, data security or other data protection matters. Contact details for the DPO are published within the school's Privacy Notices and Data Protection documentation.

Data protection complaints and data protection rights

A data protection complaint is different from a request to exercise a data protection right.

For example, a person may:

- complain about the way their personal data has been handled;
- request access to their personal data;
- request that inaccurate personal data is corrected;
- request erasure or restriction of processing; or
- object to particular processing.

A person may make a complaint and exercise a data protection right at the same time. Where this happens, the relevant processes will be dealt with separately and in accordance with the applicable legal requirements. The complaints process must not be used to delay the handling of a statutory data protection rights request.

Where a complaint raises both data protection and non-data-protection issues, LHAA will identify and address the different elements appropriately.

What to do if you have a complaint or concern?
If you have a concern that is connected with your child:

- Firstly, approach your child's class teacher.
- If this is not appropriate, contact the School Principal, Mr DiMeo, and make an appointment to see him

Please try and let us know, briefly, what your concern is – unless otherwise briefed. Mr DiMeo will most probably have a member of the Management Team or class teacher with them when they meet you.

If you wish to make a complaint about a teacher, member of the administration team, please speak to Mr DiMeo.

If you wish to make a complaint about Mr DiMeo, please contact the Chair of Governors by leaving

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- a letter addressed to them with the school office, and we will ensure that it is forwarded on to them. To ensure that it is not opened by staff, please mark your letter 'Confidential'.

When a concern is expressed, either personally, by telephone, e-mail, via the school internal communication platform, we complete our own 'Staff/Parent Concern Report' form. These are filed and regularly reviewed**.**

Why have formal, written procedures?
If there are no formal written procedures for handling complaints and concerns, there can be:

- Greater uncertainty among staff on how to handle a concern.
- Inconsistency in approach making it difficult to draw conclusions about the quality of service.
- A low level of recording complaints and concerns and little analysis to enable lessons to be learnt.

Handling complaints and concerns
There are three stages of the complaints and concerns process:

1) Informal complaints and concerns
2) Formal complaints or concerns
3) Panel hearing

Not all complaints and concerns will go through the three stages.

Stage 1 complaints or concerns may be raised in person, by telephone, or via email. Individuals will often express their concerns verbally in the first instance, and these issues may be resolved at this stage through clear, honest communication.

If a written record is required, staff should offer to complete this on the individual's behalf and confirm that they are satisfied with the record. If the individual remains dissatisfied with the response/outcome, the complaint or concern may be escalated to Stage 2.

Stage 2 complaints or concerns that are not resolved in Stage 1. The *Staff / Person Complaints and Concern Report* **SSF1** and *Contact Information Sheet* **SSF1a** should be used by the school to record the concern, and action taken. If a person is unhappy with the response given to their complaints or concern then staff should refer the complaints or concern to their Line Manager. If the person is still unhappy with the response, then the complaint or concern can be brought to Stage 3, before a panel.

Stage 3 complaints and concerns are those brought before a panel, which will contain at least 3 people who were not directly involved in the original complaint or concern raised. Of the minimum 3 people on the panel at least 1 of the people will be independent of the management and running of the school. The complainant will be invited to attend any panel hearing and may be accompanied by one other person (as an observer) should they choose to attend. Attendees will be informed through clear and well displayed signs that CCTV is used in our school.

Any findings and recommendations arising from a panel hearing will be provided in writing to the Governors, or the Principal and where relevant, the person complained about as well as to the person who raised the concern.

Where a complaint concerns the processing of personal data, LHAA will provide the complainant with the outcome of the investigation without undue delay.

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The outcome will be communicated clearly and will explain, where appropriate, the findings of the investigation and any action taken or proposed by LHAA to address the complaint.
Where the investigation identifies an issue with the way personal data has been handled, LHAA will consider and record any appropriate corrective or remedial action.
The outcome of a data protection complaint will be provided whether or not the complaint proceeds to a Stage 3 panel hearing.

Finally, if the complainant is still unhappy with the response, they will be advised to raise the matter with Ofsted or the Department of Education via the Government website identified on *Complaints About Schools* **SSR47**.

Where a complaint concerns data protection, the complainant may also raise their concerns with the Information Commissioner's Office (ICO).
LHAA will provide the complainant with appropriate information about how to contact the ICO where relevant. The availability of LHAA's internal complaints procedure does not prevent an individual from making a complaint directly to the ICO.

The system must be fair to complainants, but staff who may be questioned as part of an investigation must also feel they are being treated in a fair way and that they too will have an opportunity to put their case, to be told what will happen and be kept informed of progress. This is particularly important in view of the very small number of misinformed or malicious complaints and concerns made against staff.

Internal Resolution of Data Protection Complaints
The Academy encourages individuals to raise concerns regarding personal data directly with the school in the first instance so that matters can be investigated and, where appropriate, resolved promptly.
The school's internal complaints process forms the first stage of the Academy's response to data protection concerns.
If the complainant remains dissatisfied following completion of the school's internal process, they may then raise the matter with the Information Commissioner's Office (ICO).

Recording complaints and concerns
Not all informal complaints and concerns will be recorded in writing. On a day to day basis, many complaints and concerns are dealt with verbally to the satisfaction of the person raising the concern.
When the complaint or concern is made in writing (by letter or e-mail), it is important to:

- Provide a true and useful picture of the concern, ensuring that it is recorded in a comprehensive and thorough way using *Staff / Parent Complaint or Concern Report* **SSF1** and *Contact Information Sheet* **SSF1a**.
- Keep the method of recording simple, practical and not a great burden on staff time.
- Ensure that the information recorded enables the school to track, monitor and respond to the concern and highlight particular areas where services appear to be failing. The concern should be kept in a file following Ofsted guidelines and can also be used for staff training purposes.
- All people entering the school property will be made aware that CCTV is in operation through clear and well displayed signs.
- Complainants will not be permitted to record discussions using audio or visual equipment without prior agreement by all parties.

The records of complaints and concerns will be treated confidentially and will be accessed only by those who need the information for the purpose of receiving, investigating, managing, resolving or learning from the complaint, or where disclosure is required or permitted by law.

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Personal data contained within complaint records will be handled in accordance with applicable data protection legislation and the school's Privacy Notice. Appropriate technical and organisational measures will be used to protect complaint records from unauthorised access, alteration, disclosure or loss.
Information will only be shared with staff, governors, advisers, regulators or other third parties where there is an appropriate lawful basis or other legal authority to do so.

Ofsted regulations regarding the timescales for responding to a concern and keeping records may impact the school if any part of its additional provisions appear on the Childcare Register, Early Years Register, or both registers and this has the potential to cause confusion among staff. Therefore, in order to ensure that there is no possibility of an error occurring, LHAA will acknowledge a general complaint or concern within 24 hours during school term time and will aim to deal with the complaint or concern within 20 school days.
Where a complaint is, or may be, a data protection complaint, the requirements applicable to data protection complaints will take precedence. Such complaints will be acknowledged within 30 days of receipt and will be investigated and responded to without undue delay, with the complainant kept informed of progress. The 20-school-day target must not be applied in a way that causes an unjustifiable or excessive delay to the investigation or outcome of a data protection complaint.
Arrangements will be made to ensure that data protection complaints can be acknowledged and progressed during school holidays and periods of staff absence.

We will retain records of complaints and concerns, including relevant correspondence, investigation records, panel hearing notes and outcomes, in accordance with the school's records retention schedule and applicable data protection requirements.
Complaint records will not be retained for longer than is necessary for the purpose for which they are retained, unless a longer retention period is required or permitted by law.
Access to complaint records will be restricted to those who have a legitimate need to access them.

Evidence suggests that it is, without doubt, beneficial to have simple, clear guidelines for staff on what they should do when they hear a person expressing a concern.

Good concern handling will involve:

- **Asking** the complainant at the earliest stage what they think might resolve the issue – (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).
- **Listening** – to satisfy the person's wish for their concern to be taken seriously and handled sympathetically and efficiently.
- **Evaluating** – to tell the school a great deal about where things are going wrong; complaints and concerns are, in effect, free market-research.
- **Communicating** – to allow decision-makers to be aware of what people really want. Better information should mean better decisions on policy and service improvements.
- **Liaising** – to remove complainant's frustration that no one cares or is listening.
- **Relating** – to avoid "blame culture" where staff feel threatened by complaints and defensive about recording them, and divert anger away from administration staff who may be blameless but feel vulnerable.

Poorly handled complaints and concerns can:

- Cause strained relations between people and staff.
- Cause the school to get a bad reputation amongst existing parents, the local community and potential families.

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Privacy Notices
Information regarding how the school processes complaints, manages personal data and handles data protection concerns is available within the Academy's Privacy Notices.
Privacy Notices explain:

- how complaints information is processed;
- how to contact the Data Protection Officer;
- internal complaint procedures;
- expected response timescales;
- the right to contact the Information Commissioner's Office where concerns remain unresolved.

Monitoring and Browsing Data
Complaints may occasionally involve information arising from filtering, monitoring, internet usage records, safeguarding systems, email systems or staff account activity.
Where such information is required for the investigation of a complaint, it will be accessed only by authorised personnel and processed in accordance with the Data Protection Policy, Privacy Notices, E-Safety Policy and safeguarding procedures.
The Academy recognises that filtering, monitoring and cyber security arrangements may involve the processing of personal data relating to both pupils and staff. Such information will be handled proportionately and in accordance with applicable data protection requirements.

Information Sharing and Safeguarding
The Academy recognises that effective safeguarding may require the lawful sharing of information.
Complaints involving safeguarding matters will be considered alongside the Child Protection and Safeguarding Children Policy and Procedure and current information-sharing guidance.
The school will have regard to guidance issued by the Information Commissioner's Office, the Department for Education and safeguarding partners when considering information sharing, record keeping, data protection and pupil welfare.

Resolving complaints and concerns

- An apology – this is often all that someone wants.
- An explanation – good, full explanations can quickly clear up a concern.
- An assurance that the same thing will not happen again – if such an assurance is made, it needs to be backed up by action and monitoring.
- Action taken to put things right – demonstrable action which shows that the school has taken the concern seriously is a very effective form of redress. It also sends out positive messages to people that it is worth expressing a concern if they are worried or dissatisfied.

Withdrawal of a complaint or concern
If a person wishes to withdraw their complaint or concern, we will ask them to confirm this in writing.

Fairness when investigating complaints and concerns
Persons must perceive the complaints and concerns procedures to be fair. Perception of fairness is closely linked with satisfaction with the way the concern was investigated and the outcome. However, it must also be fair to others involved, including staff who may be the subject of the concern.

Many people are only too happy for the whole world to know they have a complaint or concern, whilst others are concerned that word will get around and they fear that this will prejudice staff against them and they or their child will suffer some form of recrimination. People should be

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encouraged to talk directly to staff – playground and social media gossip is unhelpful to all concerned.

Where a complaint concerns data protection, the investigation will be proportionate to the nature and circumstances of the complaint. Appropriate enquiries may include reviewing relevant records and systems, checking the personal data held by the school, speaking with relevant staff and reviewing the school's policies, procedures and contractual arrangements where relevant.
The investigation will begin without undue delay following receipt of the complaint. The person responsible for investigating the complaint will keep an appropriate record of the enquiries undertaken and the reasons for any significant decisions made during the investigation.

Where a complaint concerns data protection, LHAA will keep the complainant appropriately informed of progress throughout the investigation, particularly where the investigation cannot be completed promptly.
The complainant will be provided with appropriate updates on the progress of the investigation and, where appropriate, an indication of when they can expect a further response or the outcome of the complaint.
Communications will be provided in clear and accessible language.

Staff attitudes
The fact that people want an apology and/or explanation has implications for staff. However, the key to whether a system will be effective or not lies in the attitude of both the organisation and individual staff.

A number of factors affect staff attitudes towards complaints and concerns handling:

- Staff may not understand the system, feel powerless to change anything or feel threatened by an investigation.
- The “blame culture” where members of staff are personally held accountable for a complaint and suffer in consequence.
- The continuous and vexatious complaints from people who, despite full investigation, will not take NO for an answer and will continue to bombard the school with complaints and concerns. They can take up a disproportionate amount of time and resources and can cause staff considerable distress and possibly prejudice staff against reasonable complaints and concerns.

Blame culture
Staff have real fears about being blamed for making mistakes. This makes them defensive in dealing with complaints and concerns. This fear can be tackled by:

- Creating an environment where complaints and concerns are seen as opportunities to identify where improvements need to be made in services or systems.
- Making sure staff feel confident that procedures support them, and are directed at identifying the root cause of the complaint or concern.
- Encouraging staff to learn from the experience and develop a better understanding of the complainant’s perspective.
- Ensuring that staff who are the subject of a complaint or concern are supported and encouraged to learn new skills, not blamed.

If staff do feel they operate in a “blame culture” it makes them reluctant to welcome complaints and concerns, and become defensive in responding to them.

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Learning the lessons
After satisfying an individual person's concern, the next aim of an effective concern system is to learn the lessons from the concern, to improve services and minimise the risk of future failure.

Learning the lessons involves:-

- Understanding – getting a clear picture of people's views of the service and the improvements they want.
- Analysing – consistent and comprehensive recording of complaints and concerns and analysis of their implications.
- Communicating – channelling the information to those who can take action to prevent the problems recurring.
- Liaising – giving feedback to the person expressing a concern, and other people and staff on what action has been taken.

However, it should be noted that while each person wants the best for their child, school policies have been formulated based upon the corporate need. The philosophies of LHAA may not coincide with those of every person (i.e. encouraging children to be independent). LHAA will always give every concern our full attention.

Recording compliments
There is a danger that in having a formal complaints and concerns procedure, only the negative side of people's contact is captured. Therefore a file of compliments and thanks is kept in the staff area and all staff are encouraged to add letters and cards that are sent to them by grateful people. This file of compliments is made available to statutory bodies at the same time as the Complaints and Concerns File.

Complaints and concerns Outside of this Policy
Some complaints and concerns fall outside the school's complaints procedure, for example:

- exclusions
- staff grievances
- disciplinary procedures

Duplicate complaints and concerns
After closing a complaint or concern at the end of the complaints and concerns procedure, a duplicate concern may be received from:

- a spouse
- a partner
- a grandparent
- a child

If the concern is about the same subject, you can inform the person raising the duplicate concern that the school has already considered that concern and the local process is complete.

Staff should take care not to overlook any new aspects to the concern that may not have previously considered.

Complaints and Concern campaigns
Occasionally, you may become the focus of a campaign and receive large volumes of complaints and concerns:

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- all based on the same subject
- from complainants unconnected with the school

The handling of complaints and concerns of this nature could include:

- sending a template response to all persons involved
- publishing a single response on the school's website

LHAA will only hear complaints and concerns on an individual basis and address individually with persons.

Third Party Complaints and concerns
The Facilities Manager will be responsible for ensuring all third parties have their own complaints and concerns procedures in place if they are using school premises or facilities to offer community facilities or services.

Serial and Persistent Complaints and concerns
If a person contacts the school again on the same issue, the correspondence may then be viewed as a 'serial' or 'persistent' concern and the school may choose to manage this concern as such in line with *Managing Aggressive and Unreasonable Behaviour Towards Staff Policy* **SSPo46**, *Managing Serial and Unreasonable Complaints Policy* **SSPo47**.

There will be occasions when, despite all stages of the complaints and concerns procedure having been followed, the person remains dissatisfied. If a person tries to re-open the same issue, the school can inform them that the procedure has been completed and that the matter is now closed. If the person contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may evoke our right not to respond.

Should a serial and persistent complainer continue to be dissatisfied, we will endeavour to arrange a managed transfer to another school that better suits their child's needs.

Anonymous Complaints and concerns
We will not normally investigate anonymous complaints and concerns. However, the Principal or Form Tutors, if appropriate, will determine whether the concern warrants an investigation.

For staff attention: various other documents relating to customer care can be found in the 'Marketing & Customer Care' Toolkit Folder

EVALUATION

This policy will be kept under review on an annual basis.

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