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# Kip McGrath South Lakes Academy Complaints procedure 2018/2019

Approved by	
Name:	Tunde Christie
Position:	Head teacher
Signed:	<i>Tunde Christie</i>
Date:	16 <sup>th</sup> November 2018
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## **Introduction**

All schools under paragraph 7, Schedule to the Education (Independent School Standards)(England) regulations 2010/ Available at: [http://www.legislation.gov.uk/uksi/2010/1997/pdfs/uksi\\_20101997\\_en.pdf](http://www.legislation.gov.uk/uksi/2010/1997/pdfs/uksi_20101997_en.pdf) are required to publish a written complaints procedure which parents can request. Kip McGrath South Lakes Academy recognises that the vast majority of complaints and concerns can be resolved informally.

A Complaint can be brought by a parent of a registered child or young person at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. This procedure refers to this person as the 'complainant' and refers to Kip McGrath South Lakes Academy as the 'School'. At any point during the complaints procedure the complainant is welcome to bring a family member or friend for support. All complaints will be kept confidential and stored securely in school. To date South Lakes Academy has received no complaints, this is something we are extremely proud of, however recognise that this may not always be the case. We want our students and parents/carers to understand that:

1. It is important that the complainant feels able to raise concerns and complaints with members of staff without the need to raise them formally, this can either be done in person, telephone, email or writing.
2. If the complainant feels unclear as to whether they wish to make a formal complaint or not, they may want a preliminary discussion about an issue to ask questions or express an opinion about an issue to help to decide whether he or she wishes to take it further
3. A concern or unresolved problem becomes a complaint only when the complainant believes that the school has acted wrongly in some significant decision, action or failure to take action
4. Once a complaint has been made it can be resolved or withdrawn at any stage
5. Kip McGrath South Lakes Academy nominates Michelle Christie as Deputy Head of Centre, to have the responsibility for the operation and management of the school complaints procedure.

## **Special Circumstances**

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. This is outlined in the Kip McGrath South Lakes Academy Child Protection Policy. If a social services authority decided to investigate a situation this may postpone or supersede investigation by the head of centre.

## **Other Solutions to Complaints**

If an issue can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to a statutory assessment of special educational needs and decisions to permanently exclude a child.

In addition, Issues relating to child protection investigations, whistleblowing, staff grievance and disciplinary procedures and complaints provided by other providers who may use the building fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.

## **Dealing with Concerns Informally**

- 1) The complainant should discuss their concern with an appropriate member of staff. An appointment may need to be made.
- 2) The complainant should be able to bring a friend to any discussion
- 3) The staff member dealing with the concern should make sure that the complainant is clear what action (if any) has been agreed
- 4) This part of the process should be completed quickly and concluded in writing with appropriate detail
- 5) If no satisfactory solution has been found to the informal complaint, the complainant should be informed that they will need to decide if they would like to make a formal complaint in writing to Michelle Christie (Deputy Head of Centre). To assist in this process a complaint form can be provided (Appendix 1)

## **Formal Complaints**

### **Stage 1**

- 1) The Deputy Head of Centre will acknowledge the complaint in writing. In some cases, she will have already been involved in looking at the issue, however, it may also be the first time she will have been involved.
- 2) The Deputy Head of Centre will then offer to meet with the complainant to discuss the issue and to supplement any information previously provided
- 3) If the complaint is against another staff member, the deputy head of centre will have a discussion with the staff member against whom the complaint has been made.
- 4) If necessary, the deputy head of centre will interview any potential witness and take statements from those involved
- 5) She will keep written records of meetings, telephone conversations and other documentation.
- 6) Once all the relevant facts have been established, the deputy head of centre will produce a written response to the complainant. This may be following on from a meeting to discuss or resolve the matter before confirming the outcome in writing. This written response will include a full explanation of the decision and the reasons for it. It will also include what action the school will take to resolve the complaint and what the complainant should do if they are not satisfied with the outcome – write a letter within 15 days of receiving the outcome letter to the head of centre.

Stage 1 should be completed within 15 school days, however, in more complex cases this may not be possible. If it is likely to take longer than the 15 days, then the deputy head of centre will write to the complainant to explain this and to give them a revised target date.

**Kip McGrath South Lakes Academy will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose, for example, paying a fee for a repeat examination.**

### **Stage 2 – Consideration by the head of centre**

If the complainant wishes to take the matter further, then they should write to the head of centre within 15 school days of receiving the outcome from stage one. The head of centre will then write a letter of acknowledgement to the complainant within five school days of receiving the complaint.

- 1) If the complaint was investigated during stage one, the result of the investigation will have been passed to the head of centre for them to read and understand the case.
- 2) The complainant will be invited to attend a meeting with the head of centre, whereby the complainant will have the opportunity to explain their grievances and the head of centre will have the opportunity to explain the reasons for the decisions made.
- 3) The head of centre will consider the complaint again along with all of the evidence presented and reach a decision on the complaint.
- 4) A letter informing the complainant of the outcome of the head of centres decision will be sent within 15 school days for the meeting.

### **Stage 3**

In exceptional circumstances when a complaint cannot be resolved in a satisfactory manner an individual panel will be approached to assess the nature of the complaint. Any written evidence will be circulated to all parties before a hearing. In most cases if the complainant is still not satisfied, he or she would be asked to put the complaint in writing formally for the consideration of the independent panel.

At this stage the complaint may well be different from the original complaint lodged, as it would include dissatisfaction with the previous management of the original complaint.

This community of the three named individuals, one from the local authority, one from the teaching profession and a parent advisor would be delegated the power to make a final decision on the complaint on behalf of South Lakes Academy. Members of this committee would have no previous involvement with case.

The named panel are:

Andy Cunliff, Safeguarding and Pastoral Support Leader (leader of panel)

Steven Whitehouse, Youth Engagement Officer

Mrs Valerie Pearson, Parent Advisor

This would mean that if the individual investigated a complaint at stage 2 they would be excluded from being on the committee at this stage, as would any individual if they had undertaken the investigation on behalf of South Lakes Academy. Although the committee's primary function is to decide on the merits or otherwise of the complaints, the panel will also play an important role in attempting a resolution of the complaint even at this stage. The panel would receive written evidence from the complainant on the complaint and from the Proprietor on what action has been taken to resolve the complaint. The outcome of any investigation by the Education Department will be submitted as part of the evidence either by the Proprietor or by the complainant.

A suggested procedure is set out below:

- Introduction by Mr AC
- Complainant makes statement of complaint and outcome sought
- Questions to complainant by committee and Proprietor
- All parties hear and question witnesses called by complainant
- Proprietor makes statement
- Questions to Proprietor by committee and complainant
- All parties hear and question witnesses called by Proprietor
- Proprietor makes final statement
- Complainant makes final statement

The head of panel (Mr AC) reaches decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parent and may make recommendations so that another instance of such type will be minimised if not totally eradicated. All findings will be reported and all individuals given a hard copy/and or electronic copy of any reports or recommendations that have been made. Any correspondence, statements and records of complaints will be kept confidential. Once this decision is reached it is final. Once a decision has been made a copy of the outcome will be sent to the complainant and to the person to whom the complaint is directed at. A copy of all complaints will be kept in a confidential file at south Lakes Academy. Up-to-date there have been no complaints made.

### **Taking the Matter Further**

If the complainant is still unhappy with the way in which Kip McGrath South Lakes Academy has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education (DfE) to intervene. The Secretary of State has a duty to consider all complaints raised, however, will only intervene where the Head of Centre has acted unlawfully or unreasonably and it is practical to do so.

The Gov.UK Website has information on how to complain about a school. For further information, please visit <http://www.education.go.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

### **Malicious, Persistent or Unreasonable Complaints**

There may be occasions when despite all stages of the procedure having been followed, the complainant will still be dissatisfied. If the complainant tries to reopen the same issue, the head of centre can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. If there is need to do so following Malicious complaints, then Kip McGrath South Lakes Academy will consider taking further action against the complainant.

