



# **Lumen Academy**

**Embrace Educate Empower**

## **Complaints Policy**

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## Document History

Version	Status		Date	Author	Summary Changes
V1			Aug 24	M Sethi	

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## **1. Aims**

At Lumen Academy, we value our relationship with students, parents and community users and we endeavour to provide a high quality service at all times. We recognise that at times things can and do go wrong. The Director/Principal, staff believe that it is in everybody's best interest to resolve concerns and complaints at the earliest possible stage. For ease of read, the term 'parent' has been used throughout the document, to include parents, legal guardians and full-time carers.

### Framework of Principles

Lumen Academy Complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be impartial and non-adversarial.
- Be easily accessible and publicised.
- 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.
- Keep complainants informed of the progress of the complaints process.
- Provide information to the Senior leadership team so that services can be improved.

## **2. Legislation and Guidance**

This document meets the requirements set out in part 7 of Schedule 1 to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy.

It is also 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).

## **3. Definitions and Scope**

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".

The academy will resolve concerns through day-to-day communication as far as possible.

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

The academy 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 – see table below. Please see our separate policies for procedures relating to these types of complaint.

<p>Admissions</p> <p>Statutory assessments of special educational needs (SEN)</p>	<p>Concerns about admissions and statutory assessments of Special Educational Needs should be raised with respective County Council.</p>
<p>Complaints about services provided by other providers who use school premises or facilities</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<p>Complaints made directly to Ofsted</p>	
<p>Exclusion of children from the academy</p>	<p>Further information about raising concerns about exclusion can be found at <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>
<p>Prejudice related matters</p>	<p>Any concern relating to discrimination, bullying, harassment or any other type of prejudice-related concern should be addressed under the Dignity at Work Policy.</p>
<p>Safeguarding matters</p>	<p>Complaints about child protection matters are handled under the Lumen Academy Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance.</p>

	<p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the local Multi-Agency Safeguarding Hub (MASH)</p>
Staff discipline / conduct	<p>Complaints about staff will be dealt with under the Lumen Academy Ltd internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Staff grievances	<p>Complaints from staff will be dealt with in accordance with the academy's grievance procedure.</p>
Whistleblowing	<p>Lumen Academy Ltd has an internal Whistleblowing procedure for employees, including temporary and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer.</p> <p>Referrals can be made at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about the academy should complain through Lumen Academy Complaints Policy. You may also be able to complain direct to the DfE depending on the substance of your complaint.</p>

Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENDCo) or Principal; they will then be referred to this Complaints Policy. Our SEN Policy includes information about the rights of parents of pupils with disabilities who believe that our academy has discriminated against their child.

## **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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The academy expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. 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.

## **5. Stages of complaint Stage**

1: An informal discussion

The academy will take informal concerns 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 the complaint as soon as possible with the relevant member of staff or the Principal, 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 academy office.

The academy will acknowledge informal complaints within five school days, and investigate and provide a response, either verbally or written, within ten school days.

If, after due consideration, the complaint is not resolved informally, it could be escalated to a formal complaint – stage 2 if the complainant wishes to progress this further.

Stage 2: Complaint heard by the Principal

If the complainant would like us to investigate their concerns further, our Complaint Form can be taken from the reception, should be completed and handed to the academy's Receptionist.

This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The academy will acknowledge the complaint form within five school days. The Principal (or other person either appointed by the Principal for this purpose, or in line with below) will then conduct an investigation, speak to the necessary individuals, take statements from those involved. This could take up to ten school days. Written records of meetings, telephone calls and other documentation will be kept.

Once the facts have been established, the Principal or persons stated above will arrange for the complainant to receive a letter that explains the outcome of the investigation. The letter will be sent within twenty school days from the date the complaint form was received by the school.

If the complainant is not satisfied with the response and wishes to proceed, they should refer to Stage 3.

Where the complaint is against the Principal, Stage 2 will be conducted by the Independent Review Panel.

### Stage 3: Independent Review Panel

Complaints will be escalated to an Advisory Board if the complainant is not satisfied with the response to the complaint at Stage 2. The advisory board member is an independent member and is not involved in the management and running of the academy. The aim of the advisory board is to resolve the complaint and achieve reconciliation between the academy and the complainant.

If you wish to request an advisory board hearing, please write to the Principal explaining why you are unhappy. The letter should be sent within five school days of receiving the outcome letter from Stage 2. If the letter is received outside the five school days, the complaint will be referred back to Stage 1 of this process.

The Principal will set up a hearing within 10 school days of receiving the letter and inform the complainant of this in writing. All parties will be given five school days' notice of a hearing. The advisory board reserves the right to convene at their convenience rather than that of the complainant.

At the review panel meeting, the complainant and representatives from the academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant must be allowed to attend the advisory board panel hearing and be accompanied if they wish. The Advisory Board will have access to the existing record of the complaint's progress.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The advisory board, the complainant and the academy representative(s) will be given the chance to ask and reply to questions.



Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered. The Advisory Board must then put together its findings and recommendations from the case. The Advisory Board will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Director. The academy will inform those involved of the decision in writing within 15 school days. The decision of the Advisory Board will be final.

## **6. Referring complaints on completion of the academy's procedure**

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the ESFA.

The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn an academy's decision about a complaint. However, it will look into:

- Whether there was undue delay, or Lumen Academy did not comply with its own complaint's procedure
- Whether Lumen Academy was in breach of its funding agreement with the Secretary of State.
- Whether Lumen Academy has failed to comply with any other legal obligation.

If they did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, Lumen Academy will be asked to correct its procedure accordingly.

## **7a. Unreasonable complainants**

Lumen Academy Ltd is committed to dealing with all complaints fairly and impartially. We do not normally limit the contact complainants have with the academy, 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. Lumen Academy Ltd defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the academy, 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's 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 academy'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 academy 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 academy, 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 Principal will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Lumen Academy Ltd causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

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 Lumen Academy.

Where a complainant tries to re-open the issue with the academy after the complaint's procedure has been fully exhausted and the academy has done everything it reasonably can in response to the complaint, the advisory Board will inform the complainant that the matter is closed.

If the complainant subsequently contacts the academy again about the same issue, the academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The academy has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the academy's position and their options (if any), and
- The complainant is contacting the academy repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, academy staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The academy will ensure when making this decision that complainants making any new complaint are heard, and that the academy acts reasonably.

## **7b. Duplicate complaints**

If a complaint has been resolved under this procedure and Lumen Academy receives a duplicate complaint on the same subject from a partner, family member or other individual, Lumen Academy will assess whether there are aspects that they hadn't previously considered, or any new information they need to take into account. If they are satisfied that there are no new aspects, they will:

- Tell the new complainant that they have already investigated and responded to this issue, and 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. Record-keeping**

Lumen Academy 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 advisory board.

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 under the terms of the Data Protection Act, or where the material must be made available during an inspection.

Records of complaints will be kept for three years.

The details of the complaint, including the names of individuals involved, will not be shared with the Advisory Board in case a review is needed to be organised at a later point.

## **9. Directors**

Director will monitor the level and nature of complaints and will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

Responsibility - The Director has a responsibility for the oversight of this and all policies of Lumen Academy and may delegate the implementation and review of this policy in accordance with our Scheme of Delegation.

## **10. Barring from the School Premises**

Although fulfilling a public function, Lumen Academy is a private place. The public has no automatic right of entry. Lumen Academy will therefore act to ensure they remain a safe place for pupils, staff and other members of the community. If a parent's behaviour is a cause for concern, Lumen Academy can ask him/her to leave their premises.

In serious cases, the Principal can notify them in writing that their implied licence to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make.

Lumen Academy should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted.

If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Principal.

However, complaints about barring cannot be escalated to the Department for Education. Once the academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## COMPLAINT FORM (Stage 2)

Please complete the form below and return it to the reception, who will acknowledge receipt and explain what action will be taken.

Your name:

Students Name (If applicable):

Your relationship to student (If applicable):

Address:

Postcode:

Daytime Telephone Number:

Evening Telephone Number:

Please give details of your complaint / issue:

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

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

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

Signed: (Complainant)

(Print Name)

Date:

Reviewed By:

Monika Sethi

August 2024

Next Review Date:

August 2025

Approved by Director:

17<sup>th</sup> August 2024

Signed:

A handwritten signature in black ink, appearing to be 'Monika Sethi', written in a cursive style.

Monika Sethi  
Principal and Director