



## Complaints Policy

### Compliments

These are always welcome and very encouraging to teachers and staff. Lexden Springs Residential Special School encourages feedback or opinions from pupils and parents. In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the Parents Teachers and Friends of Association (PTFA). It may not always be possible to act immediately but pupils and Lexden Springs Residential Special School always benefit so please don't hold back.

### Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the Lexden Springs Residential Special School's approach to aspects of the curriculum, homework, behavioral problems or any other issue.

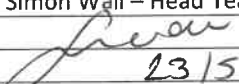
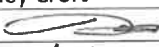
Lexden Springs Residential Special School welcomes enquiries from parents about any matter. Teachers and staff will explain the Lexden Springs Residential Special School practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher. If in doubt, keep asking until you are completely satisfied.

The usual format is to speak to the child's class teacher in the first instance or Head of Residential Care for issues. After this then contact the school office to arrange an appointment to discuss your concern with an Assistant Headteacher. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

### Complaints

The procedure is again to speak to the child's class teacher or member of residential staff in the first instance, then to contact the school office to arrange an appointment to discuss your complaint initially with an Assistant Headteacher. After this appointment, please contact the Deputy Headteacher and finally Headteacher.

Lexden Springs Residential Special School's policy is to follow the departmental advice from the Department for Education. This advice is non-statutory, and has been produced to help governing boards understand their obligations and duties in relation to Section 29 of the Education Act 2002.

Reviewing staff member:	Simon Wall – Head Teacher
Approved by reviewing staff member:	
Date Approved:	23/5/23
Reviewing governor:	Shirley Croft
Approved by reviewing governor:	
Date Approved:	6/6/2023
Next review date:	Summer 2024

**In summary, the nationally accepted procedure is divided into three stages:**

**Stage 1:** Aims to resolve the concern through informal contact at the appropriate level at Lexden Springs Residential Special School.

**Stage 2 and 3:** Are the formal stages where written complaints are considered by the Headteacher or a designated governor (usually the Chair of Governors), who has responsibility for dealing with complaints.

**Stage 4:** Is the next step once Stage 2/3 is complete. It involves a complaints review panel of governors.

If you are unhappy with the outcome or your complaint, or the way it has been handled at school level, you can contact the Secretary of State via the School Complaint Unit by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints  
Unit 2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

You should enclose a copy of any correspondence with Lexden Springs Residential Special School or governing body

If you should need to refer to the full procedures, please ask at the school office. All staff are familiar with the guidelines and have a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and Lexden Springs Residential Special School.

### **Complaints Procedures – Lexden Springs Residential Special School Procedure for Dealing with General Concerns**

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into four stages:

**Stage 1:** Aims to resolve the concern through informal contact at the appropriate level at Lexden Springs Residential Special School.

**Stage 2:** Is the first formal stage at which written complaints are considered by the Senior Leadership Group.

**Stage 3:** Is the second formal stage when written complaints are considered by the Chair of Governors.

**Stage 4:** Is the next stage once Stage 3 has been worked through. It involves a complaints review panel of governors.

How each of these stages operates is explained in the summary for staff and parents included in this information.

## Other sources of information and advice

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the **SEND information advice and support service helpline**:

### SEND information advice and support service helpline

Email: [SEND.IASS@essex.gov.uk](mailto:SEND.IASS@essex.gov.uk)

Tel: 03330 138913

- Helpline: 03330 138913
- Email: [send.iass@essex.gov.uk](mailto:send.iass@essex.gov.uk)

**The following information is taken directly from the Best Practice Advice for School Complaints Procedure 2020. Departmental advice for maintained schools, maintained nursery schools and local authorities**

The full advice from January 2021 can be accessed by following this link.

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

## Complaints not in scope of the procedure

**The complaints procedure should cover all complaints about our provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.**

Exceptions:	Who to contact:
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs (SEN)</li><li>• School re-organisation proposals</li><li>• Matters likely to require a Child Protection Investigation</li></ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.</p> <p>Complaints about child protection matters should be handled:</p> <ul style="list-style-type: none"><li>• under the school's child protection and safeguarding policy</li><li>• in accordance with relevant statutory guidance</li></ul> <p>Refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).</p>

<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<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>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees, including temporary staff and contractors. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Serial and Persistent Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

**Note:** The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

### **Is it time to stop responding?**

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

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

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.