Complaints procedure

4Life Education Ltd.



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# 1. Aims

Our provision aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the provision, and others.

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 provision improvement evaluation processes

We try to resolve complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The provision will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the provision website.

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

This document meets the requirements set out in part 7 of the schedule to the [Education (Independent Provision Standards) Regulations 2014](https://www.legislation.gov.uk/uksi/2014/3283/schedule/part/7), which states that we must have and make available a written procedure to deal with complaints from parents/carers of pupils at the provision.

It is also based on [best practice guidance for academies complaints procedures](https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure) published by the Education and Skills Funding Agency (ESFA).

This document meets the requirements of section 35 of the schedule to the [Education (Non-Maintained Special Provisions) (England) Regulations 2011](http://www.legislation.gov.uk/uksi/2011/1627/schedule/made), which states that non-maintained special provisions must have and make available a written procedure to deal with complaints relating to their provision.

It also refers to [good practice guidance on setting up complaints procedures](https://www.gov.uk/government/publications/school-complaints-procedures) from the Department for Education (DfE).

# 3. Scope

This policy does **not** cover complaints procedures relating to:

* Admissions
* Statutory assessments of special educational needs (SEN)
* Safeguarding matters
* Suspension and permanent exclusion
* Whistle-blowing
* Staff grievances
* Staff discipline

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

Complaints about services provided by other providers who use provision premises or facilities should be directed to the provider concerned.

# 4. Roles and responsibilities

4.1 The complainant

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

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

4.2 The investigator

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 director or complaints committee, which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

* The director
* Any other staff member providing administrative support

The complaints co-ordinator will:

* Keep the complainant up to date at each stage in the procedure
* Make sure the process runs smoothly by liaising with staff members and directors
* Be aware of issues relating to:
	+ Sharing third-party information
	+ Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
* Keep records

4.4 Committee chair

The committee chair will:

* Chair the meeting, ensuring that everyone is treated with respect throughout
* Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

# 5. 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

5.1 Timescales

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 timeframe 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 provision day after the holiday period.

If at any point we cannot meet the timescales 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

# 6. Stages of complaint

We have adopted a 3-stage process for dealing with complaints:

* Stage 1 – informal resolution
* Stage 2 – formal investigation
* Stage 3 – review panel

6.1 Stage 1: informal

Our provision will take informal complaints 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 within the timescales set out in section 5.1.

The complaint should be addressed to the relevant member of provision staff or the director, 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 provision: info@4life-education.co.uk

The provision will acknowledge informal complaints within five working days, which will confirm how the provision intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and a director. A written response will be provided by the provision within five working days following the informal meeting.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the director/s and/or the subject of the complaint:

* In a letter or email (this is preferred)
* Over the phone
* In person
* Through a third party acting on their behalf

The complainant 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.

If complainants need assistance raising a formal complaint, they can contact the provision office on info@4life-education.co.uk

The director will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three days.

The director (or other person appointed by the director for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within five provision days.

**How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they should contact Susan Allen, clerk (details will be shared on request) within an additional five working days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by:

* By letter or email
* Over the phone
* In person
* Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within five working days.

6.3 Stage 3: submit the complaint to an independent reviewer

The independent reviewer is appointed by or on behalf of the proprietor. This person must not, at any time, have been a governor of the provision, or a member of staff or supply staff at the provision, and must not have been the parent of a registered or former registered pupil at the provision. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the provision, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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 independent reviewer, the complainant and the provision representative(s) will be given the chance to ask and reply to questions.

The complainant, proprietor and director and, where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

The provision will inform those involved of the decision in writing within five provision days.

# 7. Referring complaints on completion of the provision’s procedure

If the complainant is unsatisfied with the outcome of the provision’s complaints procedure and the complaint is regarding the provision not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

* Education
* Pupil welfare and health and safety
* Provision premises
* Staff suitability
* Making information available to parents
* The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the provision deals with serious failings.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-provision](http://www.gov.uk/complain-about-school)

# 8. Unreasonable and persistent complaints

9.1 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 provision’s complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
* Seeks an unrealistic outcome
* Makes excessive demands on provision 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 provision what is deemed to be unreasonable.

Complainants should try to limit their communication with the provision 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.

**Steps we will take**

We will take every reasonable step to address the complainant’s comments, 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. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the director or chair of governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking. If the behaviour continues, the director will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the provision causing a significant level of disruption, 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](https://www.citizensadvice.org.uk/)
* Put any other strategy in place as necessary

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 provision premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

9.2 Serial/persistent complaints

If the complainant contacts the provision again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’. We may stop responding to the complainant when the following conditions are met:

* We have taken every reasonable step to address the complainant’s concerns
* The complainant has been given a clear statement of our position and their options
* The complainant contacts the provision repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

* The complainant’s communications are often or always abusive or aggressive
* The complainant makes insulting personal comments about or threats towards staff
* We have reason to believe the individual is contacting the provision with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

9.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, 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 ESFA if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the provision warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

9.4 Complaint campaigns

Where the provision receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the provision, the provision may respond to these complaints by:

* Publishing a single response on the provision website
* Sending a template response to all of the complainants

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

# 10. Record keeping and confidentiality

The provision 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 stored securely, 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 provision inspection.

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

# 11. Learning lessons

4Life Education Ltd. will review any underlying issues raised by complaints with the appointed directors, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the provision can make to its procedures or practice to help prevent similar events in the future.

# 12. Monitoring arrangements

The directors will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly.

The complaints records are logged and managed by Charlotte Young.

This policy will be reviewed by Charlotte Young, every 18 months.

# 13. Links with other policies

Policies dealing with other forms of complaints include:

* Child protection and safeguarding policy and procedures
* Admissions policy
* Suspension and permanent exclusion policy
* Staff grievance procedures
* Staff disciplinary procedures
* Special educational needs policy and information report
* Privacy notices