



# LEICESTER THERAPEUTIC SCHOOL

BUILDING FOUNDATIONS THROUGH NURTURE AND MINDSET

## Complaints Policy

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| <b>Policy Owner</b>        | Leicester Therapeutic School   |
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| <b>Linked Policies</b>     | Safeguarding and Child Protection Policy<br>Positive Behaviour Policy<br>Whistleblowing Policy |

## **Special Educational Needs & Disabilities (SEND) at Leicester Therapeutic School**

At Leicester Therapeutic School, we are passionate about providing an inclusive education to children with special educational needs. We recognise and celebrate the individuality of our pupils and use personalised approaches, allowing pupils with SEND to feel supported during the school day. We strive to provide pupils with the same opportunities and experiences that pupils would have received at a mainstream school, believing passionately that in the right environment, with the right support, pupils will flourish in education. We do this by focusing on providing a SEND friendly environment, an adapted curriculum, and a strong focus on developing pupils' personal, social, and emotional development. The special educational needs and disabilities of all pupils at Leicester Therapeutic School is carefully considered and a central theme in through all school policies. For more information, please read the school's SEND Information

## **Safeguarding at Leicester Therapeutic School**

At Leicester Therapeutic School, we are committed to providing an environment in which students feel safe and secure to access their education. All stakeholders are responsible for ensuring the safety and well-being of children. Safeguarding is everyone's responsibility, and all staff are encouraged to maintain an "it could happen here" attitude. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual, and emotional abuse, neglect, and bullying. Leicester Therapeutic School are dedicated to creating a strong safeguarding culture, and that the safety and well-being of children is the central thread that embeds itself through all aspects of the school. If a person is concerned about anything they read, witness, or hear with regards to the school, they should contact the school's designated safeguarding lead immediately or Headteacher. Safeguarding, and the safety and well-being of all pupils at Leicester Therapeutic School is carefully considered and a central theme through all school policies.

## Aims

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Leicester Therapeutic School takes complaints seriously and will use any learning as an opportunity for development. We support the right of individuals to raise concerns without fear of any negative consequences. The aim of this policy is to support fair, efficient and timely resolution to complaints. Any investigations will be carried out using the principles of fairness, impartiality and suitable confidentiality. We hope to resolve issues at the informal stages wherever possible.

Our procedure relates to when a complaint is made

- by parents or carers of our pupils
- by parents or carers of children and young people who are no longer educated at a school
- by members of the public

Complaint - 'an expression or statement of dissatisfaction, about actions taken or a lack of action'

We will not normally investigate anonymous complaints. However, the headteacher and/or proprietor, if appropriate, will determine whether the complaint warrants an investigation.

## Framework of Principles

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Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- allow swift handling with established protocols;
- be non-adversarial;
- have time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the Leicester Therapeutic School's senior leadership teams so that services can be improved.

## When the policy is not relevant

| Exceptions   | Who to contact   |
|--|--|
| Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. The headteacher will respond accordingly to any safeguarding complaint.</p> <p>If you still have serious concerns, you may wish to contact the <a href="#">local authority designated officer (LADO)</a> who has local responsibility for safeguarding</p>   |
| Exclusion of children from school*                         | <p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk">www.gov.uk</a></p> <p><i>*complaints about the application of our behaviour policy Working positively with Pupils can be made through the school's complaints procedure.</i></p>  |
| Whistleblowing   | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk">www.education.gov.uk</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| Staff grievances   | Complaints from staff will be dealt with under the school's internal grievance procedures.   |
| Staff conduct  | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>   |
| National Curriculum - content                              | Please contact the Department for Education at: <a href="http://www.education.gov.uk">www.education.gov.uk</a>   |

## Overview of complaint procedure

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At any stage of the process the complaint may be resolved and therefore next stages not put into action. Complaints will be handled in the following stages:

### Stage 1 – The Informal Stage

A concern or informal complaint can be made in person, by email or by telephone. The concern or informal complaint should be raised by the person who is concerned. Concerns and informal complaints should be raised with either the class teacher or Headteacher. Although it is still taken very seriously by the school, a concern raised in this format forms part of an informal stage. You can expect a reply from a member of staff within 3 working school days of receiving your concern.

The school will aim to resolve your concern or informal complaint within 10 working school days. If the school is unable to meet this deadline, they will provide the complainant with an update and revised response date. It will always be our aim to resolve the issue at this stage as this is in the best interest of the child. If the concern cannot be resolved at this informal stage, the next step is to make a formal complaint in writing. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

### Stage 2 – The Formal Written Stage

Formal complaints must be made in writing to the Headteacher, via the school office by post, by hand or by email directly. The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working school days. If making a complaint by email, the subject heading should contain the following:

Subject: Formal Written Complaint FAO Headteacher. Email address: [office@leicesterts.co.uk](mailto:office@leicesterts.co.uk)

Complainants should be clear and refer to the following:

1. Clearly present the nature of the complaint
2. If the complaint is about an individual or a group of individuals, it should clearly state who those individuals are by name.
3. If the complaint is about the school / school processes or procedures, complainants should identify this clearly.
4. If appropriate and/or able to, the complainant is welcome to identify their desired outcome in writing.

Within this time period, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher will consider whether a face-to-face meeting or a phone call is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

Following this initial clarification, a full investigation will take place. During the investigation, the Investigator will:

- If necessary, gain an account of what happened from those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. This is likely be via a written statement or interview.
- Keep a written record of any meetings/interviews in relation to their investigation in an action log.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 30 working school days of the date of receipt of the complaint. If the investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Leicester Therapeutic School will take to resolve the complaint.

If the complaint is about the Headteacher, the Chair of Governors will undertake the investigations. If the complaint is about the Chair of Governors, or a member of the school's governing body, a suitably skilled governor will be appointed to complete all the actions at Stage 2.

### **Stage 3 – The Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3: a meeting with a panel of at least three people who have not been involved in the complaint and one of whom is independent of the running of the school, appointed by members of the governing body of the school. This is the final stage of the complaint's procedure. The date of the panel meeting will be arranged to take account of the convenience of the parents or carers as well as the school and will take place within a time limit of fifteen working days. Parents or carers will be invited to bring with them another person or persons to support them at the panel hearing if they wish.

The panel will hear the complaint and carefully consider the outcome of the school's investigations and its response to these. The panel will then make findings and recommendations which will be communicated in writing, by electronic mail or otherwise, within 10 working days of the panel meeting to the Headteacher, the parents or carers and, where appropriate, the person complained about; a copy will be available for inspection on the school premises by the Headteacher, Proprietor and the any statutory body.

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Leicester Therapeutic School. They will consider whether Leicester Therapeutic School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on 03700 002 288 or by writing to:

Department for Education Piccadilly Gate  
Store Street Manchester M1 2WD.

On occasion there may be need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigation or the involvement of an external agency to provide an independent appeal or review.

**Each complaint will be treated separately unless this is within a 12 month rolling programme.**

## **Withdrawal of a complaint**

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If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Dealing with Complaints- Initial concerns**

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Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. In most cases the class teacher or individual delivering the will be the first approach, it would be helpful if staff were able to resolve issues on the spot, including apologising where necessary. This may be enough to avoid a formal procedure.

## **Investigating complaints**

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At each stage, the person investigating the complaint, makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

## **Resolving complaints**

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At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not happen again;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## Vexatious Complaints

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If properly followed, this complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. In regard to any concerns that a complaint may be vexatious or malicious Leicester Therapeutic School will follow guidance from the [Office of the Independent Adjudicator](#) which defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pushing for pointless complaints and impossible results, even when it's clearly unreasonable
- overly persistent with potentially valid complaints but in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

## Time limits

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Complaints need to be considered, and resolved as quickly and efficiently as possible. This complaints procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant will be sent details of the new deadline and an explanation for the delay.

## Recording complaints

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A complaint can be made in person, telephone or in writing but to be taken to the formal stages must be in writing (support will be offered to anyone who cannot do this for themselves). At the end of the meeting or telephone call the member of staff must make a note of the conversation and keep a copy of written responses together on CPOMS under parent contact. An electronic log of all school complaints and actions

is to be kept up to date. If it is a complaint in relation to, or by a member of staff, the records will be kept in individual confidential electronic files. Stage 1 concerns raised by a parent with a member of staff will be logged on the electronic school system for parent contact.

## **Out of term complaints**

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We will consider complaints made outside of term time to have been received on the first working day after the holiday period.

## **Administration of complaints**

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Recording procedures of all complaints indicating whether they were resolved at the preliminary stage, or whether they proceeded to a panel hearing will be kept. These records and any correspondence relating to a complaint will remain confidential except where the Secretary of State or a body conducting an inspection under section 163 of the Education Act 2002 requests access to the records. The Board of Directors will consider any implications of the implementation of the complaint's procedure annually.

## **The governing body**

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The Board of governors will monitor the level and nature of complaints and review the outcomes to ensure the procedure is effective and make changes where necessary. Complaint information (from Stage 2 and above) is shared with chair of governors by the headteacher. The reports will be confidential and not name individuals.

The Chair of Governors and proprietors will be made aware of any complaints on-going from Stage 2 and above but without any specific detail to keep it anonymous pending the need for subsequent stages.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. Listening to complaints can help identify underlying issues to be addressed. The monitoring and review of complaints by the Local Governing committee can be a useful tool in evaluating the school's performance.

## **Publicising the procedure**

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The details of this policy and procedure will be published on its school website

## Checklist for a panel hearing

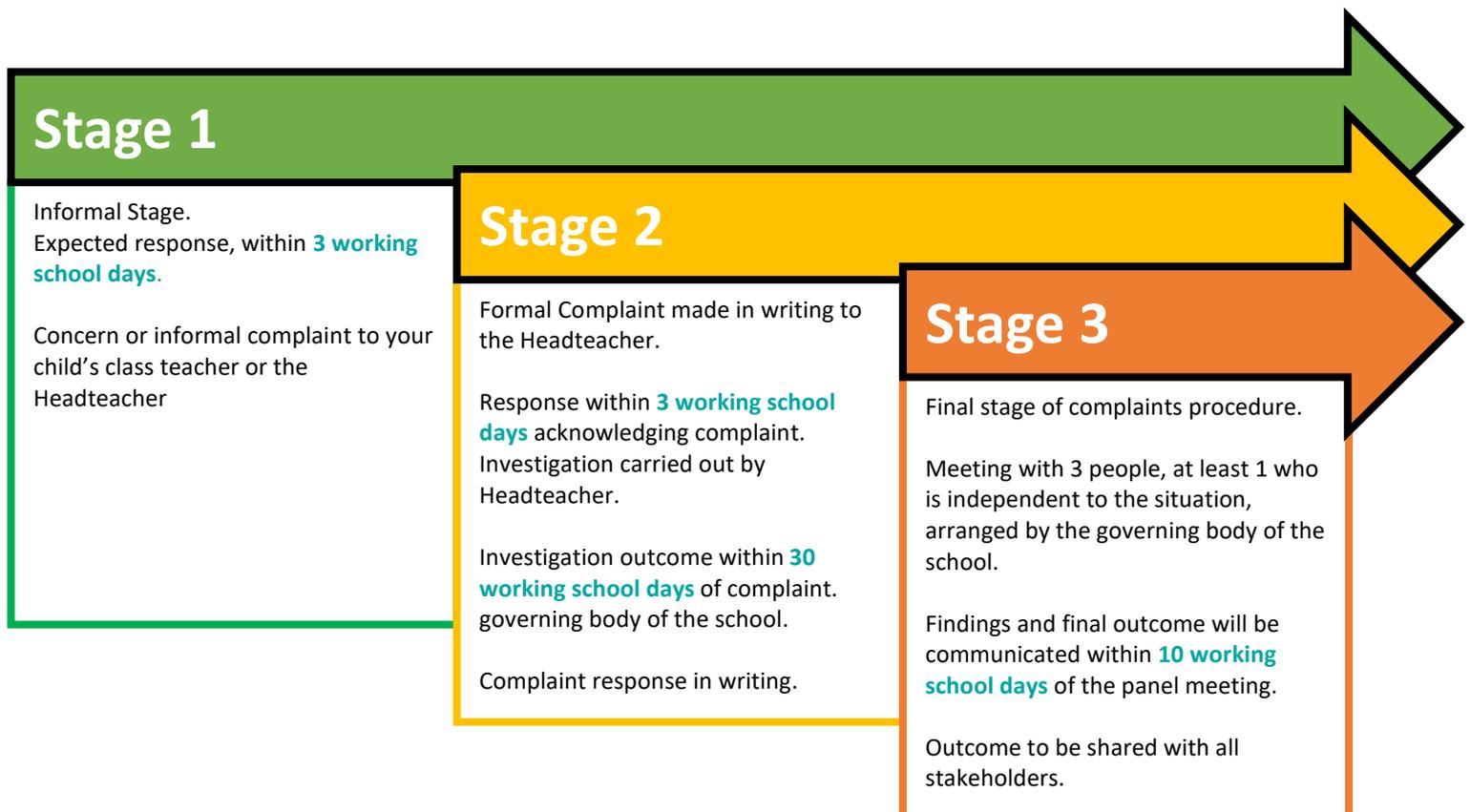
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The panel needs to take the following points into account:

- There must be an independent member on the panel who has no conflict of interest or prior knowledge of the complaint.
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The senior representative for the school concerned may question both the complainant and the witnesses after each has spoken.
- The senior representative for the school concerned is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the senior representative for the school concerned and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The senior representative for the school concerned is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear the decision within 5 working days.

## Procedure & Timescale Flowchart

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## Available Support

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For ease of use, a template complaint form can be shared at the request parents and other stakeholders by the school office to assist with structuring your complaint. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

Please contact the school office should you wish to access the school's complaint form.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Please see below for an example template:

|   |  |
|---|--|
| Your name:  |  |
| Pupil's name:   |  |
| Your relationship to the pupil:   |  |
| Address:<br>Postcode:   |  |
| Daytime telephone number:   |  |
| Evening telephone number:   |  |
| Please give details of your complaint.  |  |
| What action, if any, have you already taken to try and resolve your complaint.<br>(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.  |  |
| Signature:  |  |
| Date:   |  |
| Official use  |  |