

**Based on the Model School Complaints Procedure  
for Kent maintained schools – September 2017**



## **Complaints Policy**

<b>Policy Control</b>	
Responsible Person:	Lindsay Roberts & Jo Hinde
Responsible Governor Team:	Full Governing Body
Approved by Governors:	March 2018
Date due for review:	March 2019

**Our school policies are written with the objective of continuously improving the school in our aim of realising the school's vision:**

Goudhurst & Kilndown Church of England Primary School will provide a happy, caring and stimulating environment rooted in Christian values in which every child will flourish. We will realise the potential of every child and instil a lifelong love of learning. Our approach to teaching and learning will be inclusive, supportive and innovative and will embrace new education initiatives and leading technology. We will ensure that our children are aware of the world in which they live, understand the need to play an active role within the local and wider community and appreciate the importance of living a sustainable way of life. In partnership with parents and carers, we will help our children to build high self-esteem, independence and resilience and to develop the life skills they need for their future in an ever-changing world.

### **Our School Values**

Goudhurst and Kilndown Church of England Primary School values

**Community • Friendship • Joy • Love • Peace • Trust**

and all our stakeholders are encouraged to *reflect* upon their learning and their actions

## **Introduction**

Our school is committed to providing the very best care and education for our children and we want our children to be safe, happy and successful in their learning. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community and we understand that how we handle concerns and complaints is a key part of this. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

In our handling of complaints we will:

- consider all complaints fairly and impartially
- follow this documented and approved procedure fully
- treat parents, carers and members of the wider community with respect and courtesy
- maintain professionalism in all our dealings throughout the complaint
- expect our parents, carers and members of the wider community to allow us to handle any complaints without hindrance through unacceptable behaviour (see our policy for unreasonable complainants)
- take action to protect our staff from behaviour which is unacceptable including that which is abusive, offensive or threatening (see our policy for unreasonable complainants)

## **Statutory responsibility**

School governing bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school, other than those covered by separate legislation and formal procedures which are covered by other policies and guidance. These exceptions include:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances / Discipline
- Child Protection
- Whistleblowing

Details of the process for complaints about the above can be found in Appendix 4. Copies of our policies for complaints in relation to the above can be found on our website.

It is expected that all complaints will be referred to the school in the first instance and that all stages will be pursued. If a complainant feels that their complaint has not been dealt with appropriately or remains unresolved they can make a referral to the Secretary of State for Education (DfE Complaints Unit). Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

## Aims and principles of the policy

This policy aims to:

- encourage the resolution of concerns and complaints by informal means wherever possible
- ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- provide effective and appropriate responses to concerns and complaints
- maintain good relationships between the school and all those involved

Key principles of this policy are:

- **Accessibility** – the policy will be available on the school's website and also can be requested from the school office. It will be in a useable format, free from jargon and will assume no specialist knowledge
- **Good communication** – the school will be happy to explain the process for dealing with concerns and complaints
- **Timescales**- there will be clear timescales which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant
- **Confidentiality**- appropriate confidentiality will be maintained by all those involved (including and school staff and governors).

The governing body will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

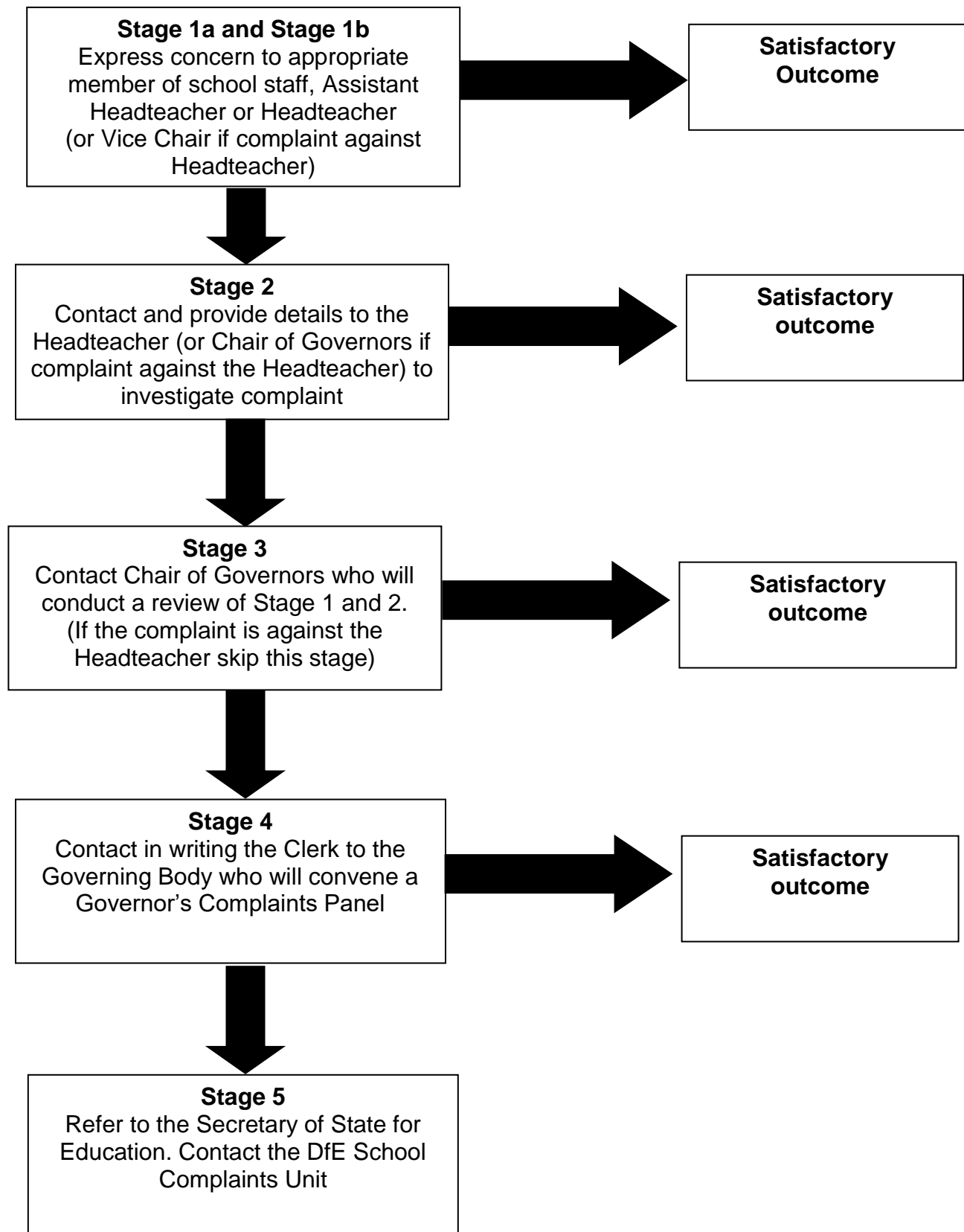
## Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- that the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made **OR**
- that the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose to take no further action or take their complaint to the next stage.

## The Stages of the Complaints Process



## **Stage 1a – Concern or Informal Complaint**

If you have a concern or wish to make an informal complaint, please start by telling the class teacher about it. This is usually the best and quickest way of resolving issues.

- *It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted*
- *It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away*
- *The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem*
- *It is good practice for the class teacher to make a brief written record of the concerns raised and any actions agreed*
- *It is good practice for the class teacher to agree a time frame with you to follow up on the points you have raised*

In some cases the class teacher may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally.

If your concern or informal complaint is not related to a particular class, or concerns the Headteacher, we encourage you to speak with the Headteacher in the first instance and assure you that your concern or complaint will be listened to impartially. If your concern is regarding the Headteacher and you feel unable to speak to the Headteacher directly you may speak to the Vice Chair of Governors who is contactable via the School Office.

## **Stage 1b – Concern or Informal Complaint raised with School Leadership**

If you feel dissatisfied with the outcome of discussions with the class teacher, you should contact an Assistant Headteacher or the Headteacher. You are encouraged to do this informally in the first instance and to request a face to face discussion which will be handled as per Stage 1a above.

If your concern is about the Headteacher and you feel dissatisfied with the outcome of the discussions with the Vice Chair, you should contact the Chair of Governors via the School Office to request a face to face discussion which will be handled as per Stage 1b above.

## Stage 2 – Formal Written Complaint

If, having followed Stage 1a and Stage 1b, you feel dissatisfied with the outcome of informal discussions with Stage 1 discussions with either the class teacher, an Assistant Headteacher or the Headteacher, you may put your complaint in writing and it will be investigated further. *You may use the form attached as Appendix 1 to do this.* If you are not using the form, your letter should set out clearly your complaint and why you feel the issue has not been resolved through informal channels. It is also helpful if you can set out what resolution you are seeking.

The Headteacher, or Chair of Governors if the complaint is against the Headteacher, will consider the complaint and in doing so will:

- establish what has happened so far, and who has been involved;
- meet or contact you if they need further information;
- clarify what you feel would put things right if this has not been set out in your letter or included on your form;
- interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- conduct any interviews with an open mind;
- keep notes of any interview for the record

The Headteacher, or Chair of Governors if the complaint is against the Headteacher, will keep in mind ways in which the complaint can be resolved. It may 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 (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher, or Chair of Governors if the complaint is against the Headteacher, will discuss the outcome of their consideration of your complaint with you and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where you are unhappy about the decision the Headteacher or Chair of Governors has made about your complaint, this does not become a complaint about the Headteacher or the Chair of Governors.

## Stage 3 – Chair of Governors Review

If you are unhappy about the decision the Headteacher has made about your complaint and your complaint is not against the Headteacher but has been investigated by the Headteacher at Stage 1b and Stage 2, the Chair of Governors can review the procedure that has been followed to ensure it has been fair and impartial and can review the outcome of the investigation by the Headteacher. You can contact the Chair of Governors via the School Office.

The Chair of Governors will consider the complaint and in doing so will:

- establish what has happened so far, and who has been involved;
- meet or contact you if they need further information;
- clarify what you feel would put things right if this has not been set out in your letter or included on your form;
- review the notes of the interview(s) of those involved in the matter and those complained of, and contact them if further information is needed
- conduct any interviews with an open mind;
- keep notes of any interview for the record

The Chair of Governors will keep in mind ways in which the complaint can be resolved. It may 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 (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Chair of Governors will discuss the outcome of their consideration of your complaint with you and should send a response within a maximum of 10 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

## Stage 4 – Governor Review Panel

If you are not satisfied with the response from the Chair of Governors then you must write a formal letter of complaint to the Clerk of the Governing Body. The school Office will provide you with the details of how to contact the Clerk. The Clerk is independent of the Headteacher, Chair of Governors and the school itself. You should write to the Clerk to the Governing Body at the school address, marking any envelope “urgent, private and confidential”.

- *The Clerk to the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that three members of the school’s governing body will hear the complaint within 20 working days of receiving the complaint. The letter will invite the complainant to attend also explain that the complainant has the right to submit any further documentation relevant to the complaint. The complainant may bring a friend or someone else for support.*
- *For complaints specifically about the Headteacher, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator.*
- *A meeting of the Governors Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use governors from other local schools (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. An experienced governor will chair the panel meeting. The chair/clerk of the complaints panel will contact the complainant with the arrangements.*
- *Once the panel has been held, the complainant and the school will be informed of their decision within five school working days. If it is not possible to meet these timescales then the chair of the panel will contact will contact both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at Appendix 3.*



## **Stage 5 – Escalation to Secretary of State for Education**

If the complainant remains unsatisfied by the outcome of the governor's panel, they will be advised to contact the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably.

The School Complaints Unit considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. They will look at whether the school's complaints policy and other relevant statutory policies were adhered to. They will also check whether the school's policy adheres to education legislation. However the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the Schools Complaints Unit finds that the school has not handled a complaint in accordance with its procedure, the unit may request that the complaint is looked at again.

The School Complaints Unit can be contacted by calling the national helpline on 0370 000 2288 or by 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  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## Policy for unreasonable complainants

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. 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.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

### **A complaint may be regarded as unreasonable when the person making the complaint:**

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 school'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 school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-**

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools 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.

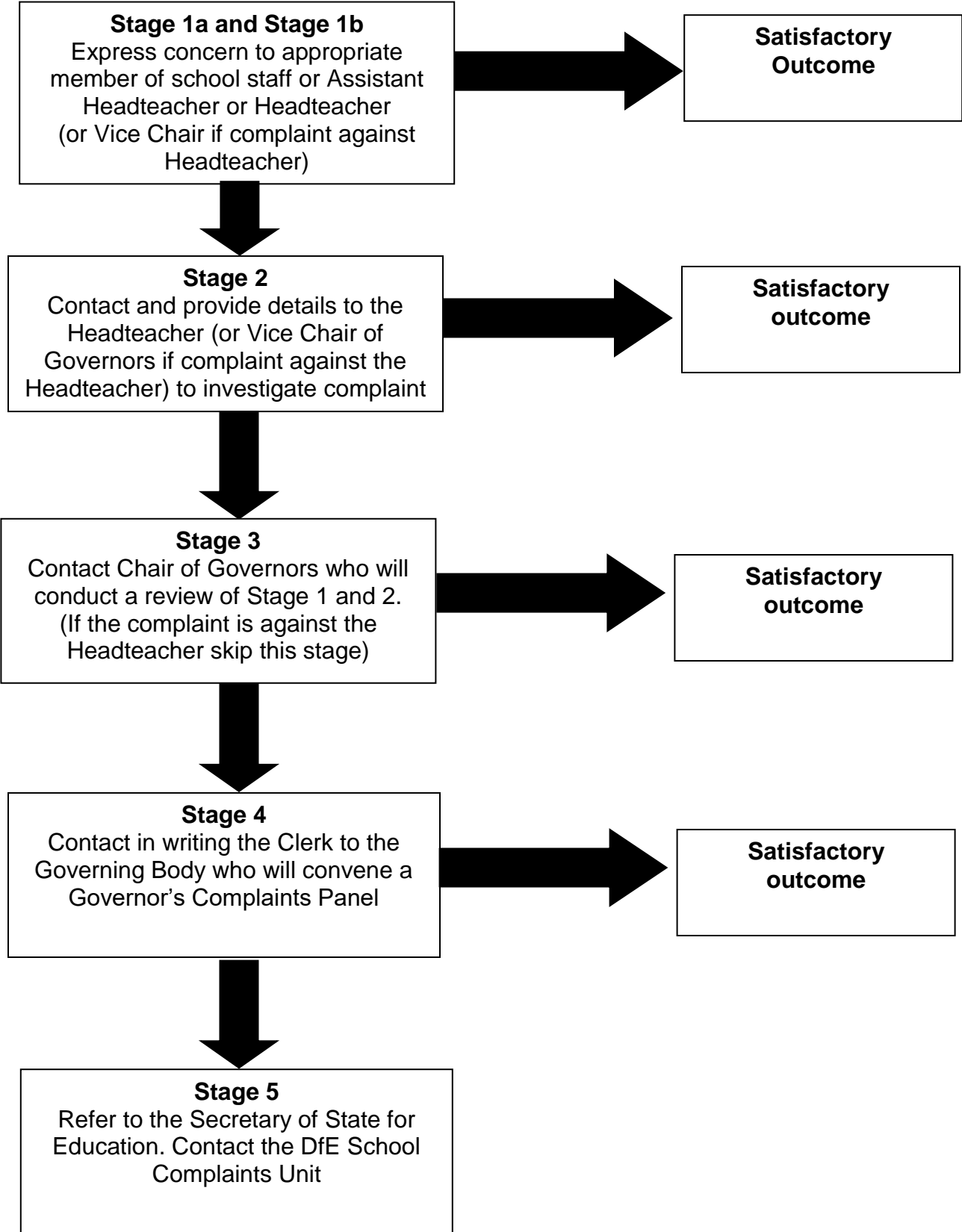
Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

# Complaints Form

# Appendix 1

Please complete and return to the Headteacher or Chair of Governors who will acknowledge receipt and explain what action will be taken	
<b>Your Name</b>	
<b>Pupil's Name</b>	
<b>Your relationship to the Pupil</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Daytime Tel Number</b>	
<b>Evening Tel Number</b>	
<b>Please give details of your complaint here</b>	
<b>What actions, if any have you taken to try and resolve your complaint</b>	
<b>What actions do you feel might resolve the problem?</b>	
<b>Are you attaching any paperwork?</b>	
<b>Signature</b>	
<b>Date</b>	
<b>For Office Use only</b>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

### Complaints Procedure Flowchart



- At the panel hearing:
  - The complainant will have the opportunity to present their complaint.
  - The Headteacher or Chair of Governor will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the Headteacher or Chair of Governors.
  - The Headteacher or Chair of Governors will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had a fair hearing.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Headteacher or Chair of Governors that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher or Chair of Governors, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and
  - Agree a decision on the complaint;
  - Decide upon the appropriate action to be taken to resolve the complaint; and
  - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher or Chair of Governors. The letter to the complainant should also advise how to take the complaint further.
- The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

## Complaints not in the scope of the Procedure

## Appendix 4

The complaints procedure covers all complaints about any 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). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</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 and voluntary staff. 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:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>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>