

THE CEDAR FEDERATION

**IFIELD SCHOOL & KING'S FARM
PRIMARY SCHOOL**

**COMPLAINTS PROCEDURE
POLICY**

**Date: Spring 2019
Review Date: Spring 2021**

The Cedar Federation Complaints Procedure

The Cedar Federation is committed to providing the very best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. 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 promptly, fairly and informally as possible.

- 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. Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following lists specific topics and the correct policy to refer to should you have a concern or complaint. You can access these policies on the school website or ask for a copy from the school office.

Admissions Policy

- Exclusions Policy
- Special Educational Needs Information Report
- Staff Grievances / Discipline / Bullying and Harassment Policy
- Safeguarding and Child Protection Policy
- Whistleblowing Policy
- GDPR & Data Protection Policy
- Equality and Diversity Policy

It is expected that all complaints will be referred to the school where the complaint arises from in the first instance and that all stages will be pursued before considering a referral to the Secretary of State for Education (DfE Complaints Unit) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

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

Where concerns are raised, the school intends for these to be dealt with fairly, openly and promptly. The Governing Body has approved the following procedure which explains what the Complainant should do if they have any concerns about the school.

Where appropriate, the school may offer mediation to resolve a concern or complaint at any stage of the process. The school may also use someone independent from the school to investigate a complex issue and to report back to the Headteacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

The Governing Body have a reciprocal agreement with KSENT so that in certain circumstances a complaint reaching Stage 4 of the process may be dealt with by a Panel consisting of or including Governors from the KSENT board. In following best practice, the Local Authority has an expectation that Governing Bodies make arrangements to put Joint Panel Agreements in place.

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 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.

Raising Concerns

The majority of concerns can be dealt with without resorting to the complaints procedure. Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, raise this with their [child's class teacher](#) in the first instance. Ideally they will be able to address the Complainants concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;

- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- Schools should record the progress of the complaint and the final outcome. The Executive Headteacher or Head of School should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the school and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Executive Headteacher and/or the Head of School. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

Complaints about the Executive Headteacher or the Governors

Where a complaint concerns the actions of the Executive Headteacher, the complainant should first approach the Executive Headteacher in an attempt to resolve the issue

informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors care of the Clerk to the Governing Body that they wish to take a complaint forward. The Stage 2 process will then commence and *the Chair of Governors* will take the process forward.

Where a complaint concerns a Governor, the complainant should notify in writing the Chair of Governors care of the Clerk to the Governing Body- Where a complaint concerns the Chair of Governors this should be made in writing to the Clerk of the Governing Body. For Complaints against any member of the Governing Body Appendix 4 should be followed.

The Stages of the Complaints Process

(flowchart of process at appendix 2)

Stage 1 – Informal Complaint

The Complainant should start by sharing their concern with the class teacher or form tutor . This is usually the best and quickest way of resolving issues. In some cases the class teacher may feel it more appropriate to refer the Complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

- *It is recommended that the Complainant makes an appointment to speak to the class teacher or form tutor 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 or form tutor to make a brief written record of the concerns raised and any actions agreed*
- *They may need to talk to others before they can respond to you. The Complainant should be given a timescale for a response, e.g. five working days.*

Stage 2 – Formal Written Complaint (non- parental complaints are likely to go straight to this stage)

If the complainant feels dissatisfied with the outcome of discussions with the class teacher or form tutor, they should then contact the Head of School or member of the Senior Leadership Team either by arranging an appointment to see them or by putting your complaint in writing. *The Complainant may use the form attached as appendix 1 to do this.*

If the Complainant is not using the form, their letter should set out clearly the concern and why they feel the issue has not been resolved through informal channels. It is also helpful if the Complainant can set out what resolution they are seeking.

- The Head of School will consider the complaint and in doing so will:
 - Establish what has happened so far, and who has been involved;
 - Meet or contact the Complainant if they need further information;
 - Clarify how the Complainant may feel things could be put right if this has not been set out in their letter or included on the Complaints 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 Head of School 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 Head of School will discuss the outcome with the Complainant and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, the Complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where the Complainant is unhappy about the decision the Head of School has made about their complaint, this does not become a complaint about the Head of School. However, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the clerk to the governing body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting a Governor Complaints Panel is convened

Where the complaint is about the actions of the Executive Headteacher see flow chart

If the Complainant is not satisfied with the response from the Head of School at stage 1 (informal discussion with the Head of School) they should be advised that the next stage is to put their complaint in writing to the Chair of Governors care of the Clerk to the Governing Body. When writing the initial letter to the Chair of Governors (using the form at the end of this procedure) the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

The Chair of Governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the investigator will write to the Complainant within a further 20 school days setting out the actions taken to

investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The Complainant should be advised if this is the case.

The Chair of Governors will be responsible for carrying out an investigation or appointing another Governor to carry out the investigation who will then reach a conclusion based on the investigation. The involvement of the Local Authority should be sought where the issues cannot be resolved internally by the school or the expertise of carrying out investigations is required. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating Governor may feel it necessary to meet with the Complainant. The Investigating Governor should produce notes of this interview.

Before the Investigating Governor interviews a member/s of Staff, they must be informed that they may be accompanied by a Colleague.

At the conclusion of their investigation the Investigating Governor will compile a report detailing their findings and any recommendations or proposed actions.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint, the Investigating Governor or in the case of an independent investigation, the Chair of Governors, will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out above. The Investigating Governor may feel it appropriate to meet with the Complainant to communicate their findings.

The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld and an apology given;
- The complaint was substantiated in part or in full which may include details of how

the school may improve future practice (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);

- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld;

At this stage the Complainant will be told that consideration of the complaint by the Chair of Governors at Stage 2 is now concluded. Where the Complainant is unhappy about the decision the Chair of Governors or Investigating Governor has made about their complaint, this does not become a complaint about the Chair of Governors/ Investigating Governor, however, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened. See Stage 3 below.

Stage 3 – Governor Review Panel

If the Complainant is not satisfied with the response of the Head of School or Chair of Governors, (for a complaint specifically about the Executive Headteacher) which has not been resolved in the stage above then they must write to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor complaints Panel is convened and marking any envelope or email “urgent, private and confidential”. The name of the clerk to governors can be found on the school website.

- The Chair of Governors or 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 (which may include a comprise of Governors from the KSENT board with whom the school has a reciprocal agreement in place) 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 Executive Headteacher or Head of School, 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 reserves (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 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 clerk of the panel 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 4 – 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 or by writing to:

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

Policy for unreasonable complainants

The Federation 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 Federation 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'*.

Examples: 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 Head of School or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of School 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 Head of School 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 Head of School 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.

Dealing with complaints by Parents or Carers on Social Networking Sites

The Cedar Federation will follow current KCC guidance in establishing the required procedure for dealing with complaints on Social Networking Sites.

http://www.kelsi.org.uk/_data/assets/word_doc/0016/60820/Dealing-with-complaints-against-schools-by-parents-or-carers-on-social-networking-sites.docx

Single Equalities Scheme impact Assessment (Equalities Act 2010)

This policy has been developed to ensure that there is no negative or adverse impact on any individual or group in terms of disability, race, belief, gender, sexual orientation or age. All opportunities for potential positive impact on individuals, groups and the community are embedded within the ethos, vision and values of the school.

The Cedar Federation is committed to achieving Best Value in all decisions made. We use the principles of Best Value as they apply to securing continuous improvement in these schools.

Date: Spring 2019

Review Date: Spring 2021

Signed by Chair of Governors:.....

Signed by Executive Headteacher:.....

Signed by Chair of Finance & Resource Management Committee:

Complaints Form

Appendix 1

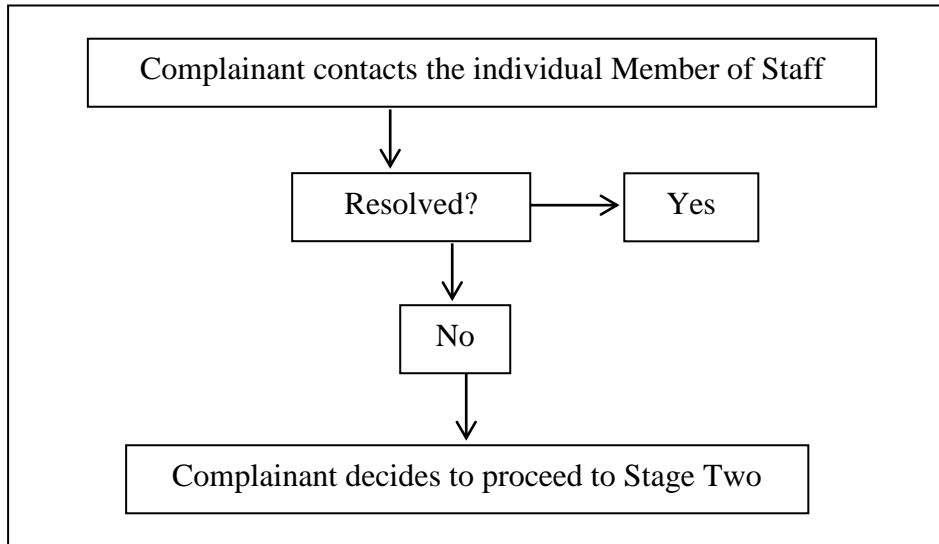
Please complete and return to who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try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

Appendix 2

Model Complaints Procedure Flowchart

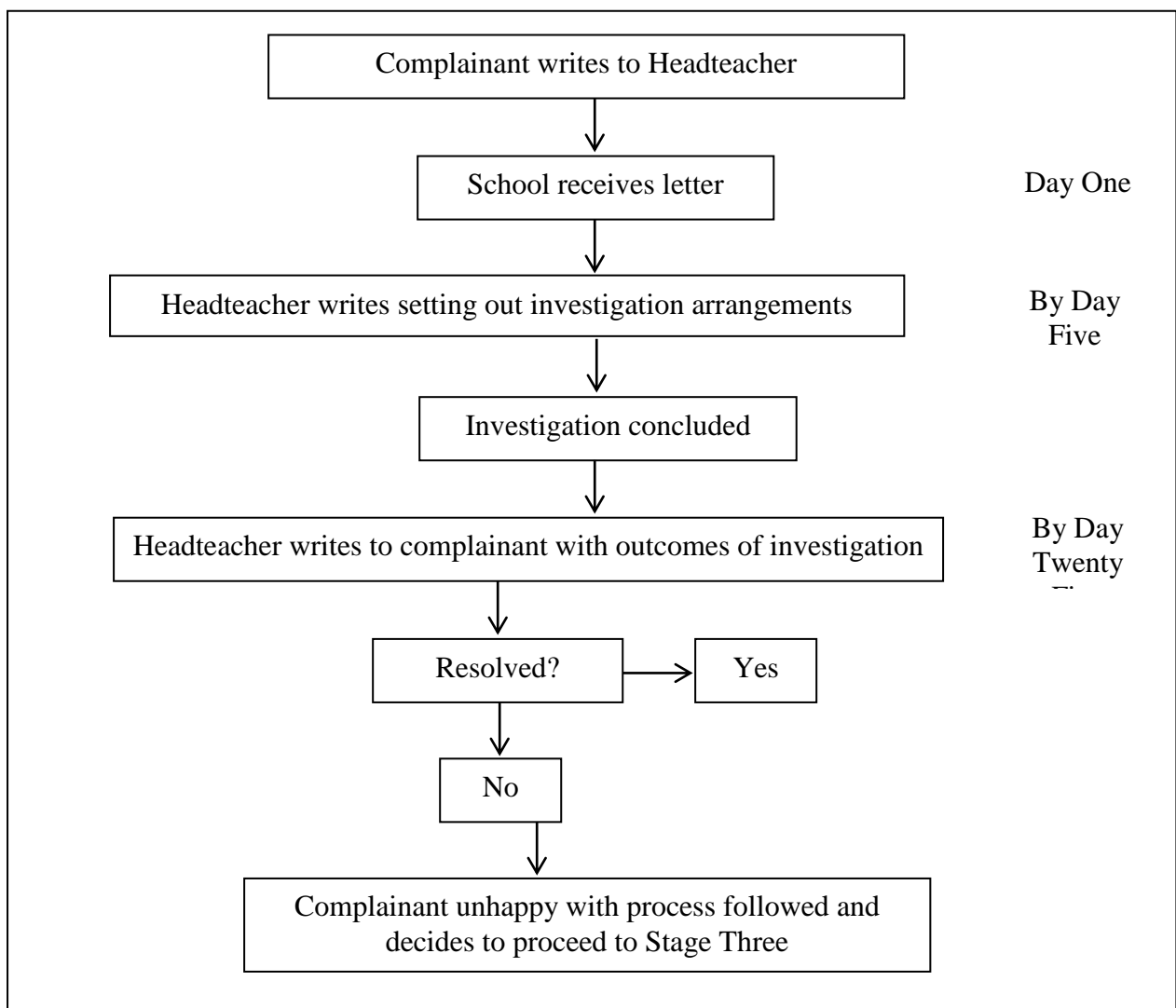
Stage One

Informal Stage

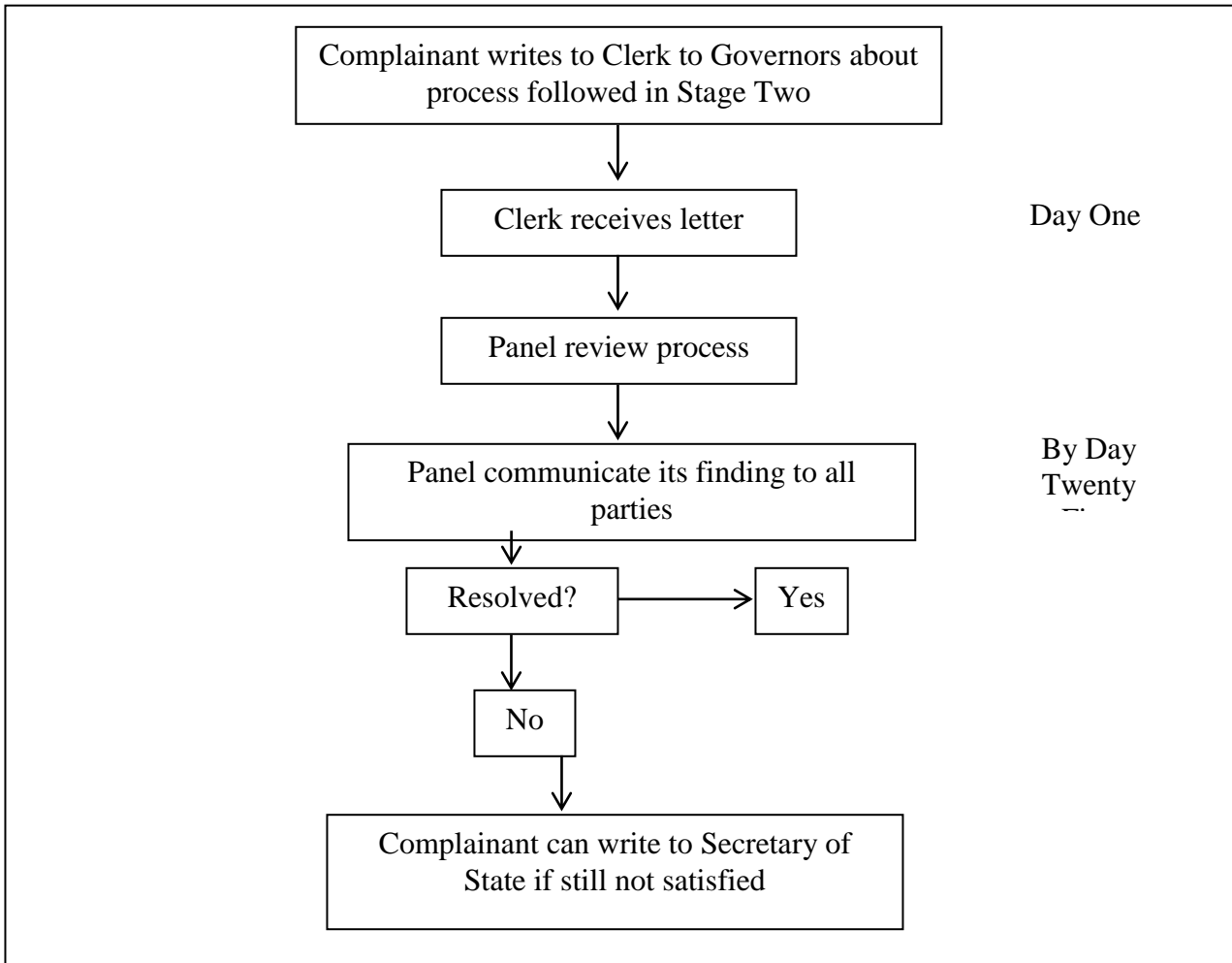


Stage Two

Formal Stage



Stage Three
Governors Review Panel



Note:- If the complaint is about the actions of the Headteacher then the Chair of Governors carries out the Headteacher's role as indicated above.

Appendix 3

Governor Complaints Panel procedure

- At the panel hearing:
 - The complainant will have the opportunity to present their complaint.
 - The Head of School (or investigating 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 Head of School.
 - The Head of School (or investigating governor) 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 the opportunity to say everything they wish to say.
- 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 Head of School that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Head of School, 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 Head of School or investigating governor. 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.