



Complaints Policy and Procedures Updated May 2018

EQUALITIES STATEMENT

Kingsmeadow School is committed to equal opportunities for all and the policy will be applied equally to all members of the school community regardless of age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

We are committed to providing a calm, caring and well-ordered environment where everyone feels safe, happy and understands the expectations of attitudes to learning in order to create an ethos conducive to excellent learning and teaching for all.

We promote a culture of praise and encouragement and expect consistency of response to both positive and negative behaviour.

We believe that positive relationships based on mutual respect, promote positive attitudes to learning and that as students learn by example, all adults within the school should act as positive role models with regard to their own behaviour.

Equality Targets

Everyone at Kingsmeadow School must strive to accept and meet the differing needs and aspirations of all members of the school community, using human resources and skills available to us all to:-

1. Safeguard individuals from all forms of abuse and harassment. We must ensure that victims can be confident of support and, where appropriate redress. We must ensure that aggressors can never claim the excuse of acting out of ignorance.

Success Criteria

- Incidents of aggression and bullying are rare and dealt with effectively and outcome of which are recorded on our MIS (Management Information System).

2. Establish a school ethos built on mutual trust and respect. We should treat others as we would wish to be treated. We should respect other people, their property and school premises.

Success Criteria

- Students regularly receive merits and praise for their positive attitudes to learning, respect to others, their school campus and their local community.
- Incidents of disrespectful behaviour are rare and dealt with promptly and effectively and the outcome of which are recorded on our MIS..

3. Safeguard the rights and freedoms of others. We must actively pursue our aim to help students develop personal moral values which respect the values and tolerates differing religious and cultures.

Success Criteria

- Racist and homophobic incidents are extremely rare and dealt with promptly and effectively and the outcome of which are recorded on our MIS.
- Students display tolerance, support of and celebrate other cultures/religions through their work.

4. Develop an organisation which maximises pupil opportunity and experience. We must ensure that the curriculum and other activities encourages and supports the opportunity for all. We must ensure that students are not excluded from activities because of status or income.

Success Criteria

- All student groups are able to access the curriculum fully and discreet intervention results in specific gaps in student achievement narrowing and in line with the whole school population and national figures. E.g. boys, girls, students with SEND and students receiving free school meals.

Contents

1. Aims	3
2. Legislation and guidance	3
3. Definitions and scope	4
4. Principles for investigation	4
5. Stages of complaint (not complaints against the headteacher or a governor)	4
6. Complaints against the Headteacher or a Governor	6
7. Referring complaints on completion of the school's procedure	6
8. Persistent complaints	6
9. Record-keeping	7
10. Learning lessons	7
11. Monitoring arrangements	7

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, 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
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

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

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

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

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Headteacher; they will then be referred to this complaints policy. Our SEN Policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. 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

We will always address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary or unavoidable delays due to illness or absence, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

5. Stages of complaint (not complaints against the headteacher or a governor)

Stage 1: Informal

The school will take informal concerns 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 with the relevant member of staff or the Headteacher as appropriate, 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 school office.

The school will acknowledge informal complaints within 5 working days, and investigate and provide a response within 15 working days.

The informal stage will involve a phone call or meeting between the complainant and the Headteacher or other person as appointed by the Headteacher to attempt a quick and amicable resolution.

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

Stage 2: Formal

Inform the Headteacher in writing

This letter 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.

The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 5 days.

Inform the Chair of Governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 15 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 5 days.

Stage 3: Submit the complaint to the Review Panel

The Review Panel consists of three members: two from the Governing body, that will have had no connection with the original complaint to date, and an independent member with no connection to the school. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel, not less than 5 days; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

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 panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher and Chair of Governors.

The school will inform those involved of the decision in writing within 10 days.

6. Complaints against the Headteacher or a Governor

Complaints made against the Headteacher should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the Governing body, it should be made in writing to the clerk to the Governing body in the first instance.

The clerk to the Governing body will then seek advice from the Governor Support Service who will seek to resolve the matter informally as above. Failing this an independent body convened through the Governor Support Service at the LA will deal with the matter accordingly incorporating timelines as above.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

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

<https://www.gov.uk/complain-about-school>

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

9. Record-keeping

The school 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 held centrally, 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 under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 4 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing body, who will not unreasonably withhold consent.

10. Learning lessons

The Governing body will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the PA to the Headteacher

This policy will be reviewed by the Headteacher every 2 years.

At each review, the policy will be approved by the full Governing body.