



Chilham St Mary's CE Primary School

COMPLAINTS PROCEDURE

Policy agreed: September 2019
Policy review: September 2022

At Chilham St Mary's, we are a diverse, loving community of learners, committed to providing firm foundations where everyone can grow in the knowledge and power of God's love. We encourage and support every individual to explore and achieve their own potential, rooted within our unique, historic environment.

Our School is committed to providing the very best education for our young people and we 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.

- Pupil Admissions: please see the School's Admissions Policy or contact Kent County Council Admissions team
- Pupil Exclusions; please see the school's Behaviour and Discipline Policy
- Special Educational Needs: The Complainant can use this policy to complain unless the Complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact the Local Authority.
- Staff grievance, capability or disciplinary; these are covered by separate School Policies and Procedures
- Anonymous complaints: Please refer to the School's Whistleblowing Policy
- Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies

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.

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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). Chilham St Mary's CEP School has a reciprocal agreement (Joint Panel Agreement) with the schools that form the CARE Foundation Trust. In some circumstances a complaint reaching Stage 4 of the process may be dealt with by a Panel consisting of or including Governors from the schools within CARE Foundation Trust.

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 Complainant's 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 Headteacher or complaints co-ordinator 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 any social media platform. 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 Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

Complaints about the Headteacher or the Governors

Where a complaint concerns the actions of the Headteacher, the complainant should first approach the

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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/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 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
- 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) see flow chart

If the complainant feels dissatisfied with the outcome of discussions with the class teacher, they should then contact the Headteacher or member of the Senior Leadership Team either by arranging an appointment to see them, or by putting their 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 Headteacher member of the Senior Leadership Team 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

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The Headteacher /member of the Senior Leadership Team 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 /member of the Senior Leadership Team 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 Headteacher /member of the Senior Leadership Team has made about their complaint, this does not become a complaint about the Headteacher or staff member concerned. 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.

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

If the Complainant is not satisfied with the response from the Headteacher at stage 1 (informal discussion with the Headteacher) 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 schooldays 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 CARE Foundation Trust and/or 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

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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 – Chair of Governors

If the complainant is not satisfied with the response of the Headteacher, or you have a concern or complaint that is specifically about the Headteacher which has not been resolved informally, then you must write to the Chair of Governors as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that the Chair of Governors investigates accordingly. The Chair of Governors can be contacted via the school office marking any envelope or email “urgent, private and confidential” Dr J Litten-Brown, Chair of Governors.

- The Chair of the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that the matter would be investigated and further information may be gathered from the complainant.
- The Chair of Governors will discuss the outcome 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 Chair of Governors has made about your complaint, you will be advised of your entitlement to take your 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.

Stage 4 - Governor Panel

If the Complainant is not satisfied with the response of the Headteacher or Chair of Governors (for a complaint specifically about the 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

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marking any envelope or email “urgent, private and confidential” Clerk to the Governors, c/o Chilham St Mary’s CE Primary School, School Hill, Chilham, Canterbury, Kent. CT4 8DE

- 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 (which may include or comprise of Governors from CARE Foundation Trust schools with whom the school has a reciprocal agreement in place) will hear the complaint within 20 school working days of receiving the complaint. The letter will invite the Complainant to attend and also explain that they have 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 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 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 or by writing to:

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

Policy for unreasonable complaints

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 complaints 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’.

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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 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 barring an individual from school premises.

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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.

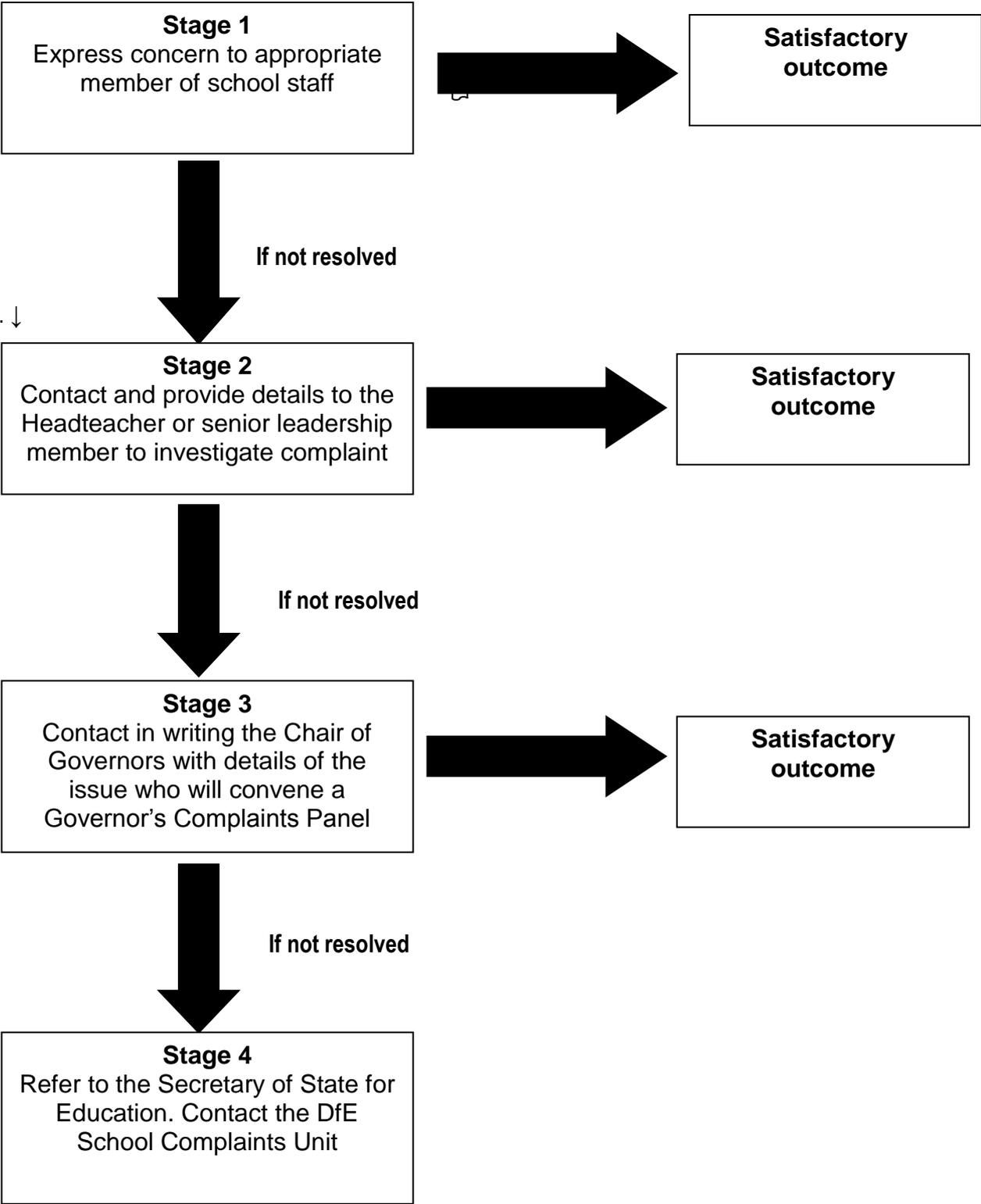
If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the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

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:

Model Complaints Procedure Flowchart



Governor Complaints Panel procedure

- At the panel hearing:
 - The complainant will have the opportunity to present their complaint.
 - The Headteacher 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.
 - The Headteacher 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 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, 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. 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.