



Complaints Policy and Procedure

Date of Approval: July 2016

Date of Next Review: July 2019

AVAILABILITY OF THE COMPLAINTS POLICY AND PROCEDURE

1. This policy and procedure is available on request to pupils, the parents of pupils and prospective pupils of the school and to the general public. While pupils may themselves raise concerns and complaints under this procedure, the school will involve parents should this occur. Copies are available from:

Headteacher
Sir Roger Manwood's School
Manwood Road
Sandwich
Kent CT13 9JX
Email: head@srms.kent.sch.uk

COMPLAINTS POLICY AND PROCEDURE

2. This policy and procedure complies with The Education (Independent School Standards) Regulations in force at the time and offers:

- An opportunity to resolve the complaint with the school on an informal basis;
- A formal complaint stage when the complaint is made in writing and;
- A hearing with a panel consisting of three persons who were not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school.

3. The school aims to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases a class teacher or an individual delivering the service will receive the first approach. Every complaint (unless deemed serial or persistent) shall receive fair and proper consideration and a timely response. Please refer to the procedure for specific timescales.

4. The policy and procedure refers to complaints brought by a parent or parents, however, this same procedure will be used where complaints are received by members of the general public. For this reason, the procedure uses the word 'complainant' to describe the person making the complaint.

5. This policy and procedure will be relied upon in respect of all complaints made against the school except where separate policies and/or procedures apply in respect of:

- a) Admissions
- b) Allegations of abuse
- c) Statutory assessments of Special Educational Needs
- d) Whistleblowing
- e) Exclusions
- f) Complaints relating to internal assessment decisions for GCSE and A Level qualifications
- g) Freedom of Information request
- h) Staff disciplinary and capability issues

6. Complaints about third party providers offering community facilities or services through the school premises should be made directly to the third party provider.

COMPLAINTS PROCEDURE

7. Our complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and published
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of progress
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Leadership Team (SLT) so that services can be improved

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

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

9. A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties, or where disclosure may be required in the course of the school's inspection, or where any other legal obligation prevails.

10. We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

11. At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

12. A written record will be kept of all formal complaints and of whether they are resolved at the Stage 2 or proceed to an Appeal Panel hearing.

STAGE 1 – INFORMAL RESOLUTION

13. It is hoped that most complaints and concerns will be resolved quickly and informally.

14. If complainants have a complaint they should normally address them to their child's class teacher or tutor. It is not necessary to put an informal complaint in writing. Complaints may be raised in person, on the telephone or by email. In many cases the matter will be resolved straight away by this means to the complainant's satisfaction. If the class teacher / tutor cannot resolve the matter alone, it may be necessary for him/her to consult with the Head of Year, or member of the SLT as appropriate.

15. Complaints made directly to a Head of Year or member of the SLT will usually be referred to the relevant class teacher or tutor unless the Head of Year, or member of the SLT deems it appropriate for him/her to deal with the matter personally.

16. The school will use its reasonable endeavours to resolve any informal complaints within ten (10) working days of them being raised. Throughout this document a working day is defined as a school day within term time.

17. Should the matter not be resolved, or in the situation where the tutor/class teacher and complainant fail to reach a satisfactory resolution, then complainants will be advised to proceed with their complaint in accordance with Stage 2 of this procedure.

STAGE 2 – FORMAL RESOLUTION

18. Our formal complaints procedure has well-defined stages. At each stage we clarify exactly who will be involved, what will happen and how long it will take. There may on occasion be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher or member of the SLT after a meeting with the complainant. The school would usually expect complaints to be made as soon as possible after an incident arises (and in any event within three months of the incident). Where a complaint is received outside of this three month window, the school will consider whether the complaint will be investigated or not.

19. If the complaint cannot be resolved on an informal basis, then complainants should put their complaint in writing to the Headteacher or to the member of the SLT with responsibility for a department or key stage, preferably on the school's official Complaints Form which can be found at the end of this Policy.

20. Where the complaint concerns the Headteacher the complainant should write to the Chair of Governors.

21. If not using the school's official Complaint Form then a complaint letter should identify how the complainant wishes their complaint to be resolved.

22. Once a formal complaint has been received by the Headteacher or SLT, s/he will acknowledge the complaint in writing within five (5) working days.

23. The Headteacher or member of the SLT will delegate responsibility for undertaking the investigation of a complaint to a senior member of staff as appropriate, unless the Headteacher or member of the SLT deems it appropriate to investigate the matter personally.

24. The investigator ensures that they:

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

25. The Headteacher or member of the SLT will use reasonable endeavours to speak or meet with the complainant within fifteen (15) working days of the complaint being received,

26. The Headteacher or member of the SLT will keep a record of all meetings and interviews held in relation to the complaint. This record will be passed to the Complaints Co-ordinator.

27. Once the Headteacher or member of the SLT is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision and the reasons for making it, in writing.

28. The school's Complaints Co-ordinator will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the record of the school's decision for one (1) year after the pupil leaves the school. This record will state if complaints were resolved at Stage 2 or if they were taken to appeal (Stage 3).

29. Where a complainant is dissatisfied with the outcome of the school's response to their formal complaint, the complainant has an opportunity to have their complaint considered by a Complaints Appeals Panel.

STAGE 3 COMPLAINTS APPEALS PANEL HEARING

30. If a complainant seeks to invoke Stage 3 following failure to reach an earlier resolution and where dissatisfied with the decision in Stage 2, the complainant may, in writing addressed to the Clerk to the Governors, request that their complaint be further considered by the Complaints Appeals Panel.

31. This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.

32. Complainants must lodge their appeal in writing and within ten (10) working days of the date of the school's decision made in accordance with Stage 2 above. The complainant should provide a list of their complaint(s) made against the school and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each.

33. The Complaints Appeals Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

34. Once an appeal has been received, an acknowledgement will be sent in writing within five (5) working days and inform the complainant of the steps involved in this part of the Complaints Procedure.

35. The Chair of Governors, or a nominated governor, will convene a Complaints Appeals Panel of three persons, ensuring that one of the three is independent of the management and running of the school.

36. The Complaints Appeals Panel is the last stage of the complaints process.

37. Individual complaints will not be heard by the whole governing body at any stage as this could compromise the impartiality of any future panel meetings convened for any purpose related to this complaint.

38. The Complaints Appeals Panel has delegated powers to hear complaints at this stage and to set out any additional terms of reference. These will include:

- Drawing up appropriate procedures to hear the appeal
- Making recommendations on policy as a result of complaints

39. The Panel will choose its own chair.

40. The Clerk will then endeavour to convene a Complaints Appeals Committee hearing as soon as possible to consider the matter, normally no later than twenty (20) working days

after receipt of the complainant's notice that they wish to invoke the Stage 3 procedure, dependent upon the availability of the Committee members.

41. The following are entitled to attend the hearing, submit written representations and address the Panel:

- a) The complainant/s (or, if aged 18 or over, the pupil) who may be accompanied by one adult if they so wish,
- b) The Headteacher and/or member of SLT who considered the complaint at Stage 2
- c) Any other interested person whom the Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist them in their decision-making.

Legal representation will not normally be appropriate.

It would not normally be appropriate for a pupil to attend the hearing but at the panel's discretion and where the complainant is a parent, a pupil (if aged 17 or under) may address the panel at the start of a hearing.

42. Where the Complaints Appeals Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- a) Documents in support of complaint(s),
- b) Chronology and key dates relating to complaint(s), and
- c) Written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the complainant.

43. Evidence will initially be sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the hearing.

44. The procedure at the hearing needs to be appropriate for the circumstances and is at the discretion of the Chair of the Panel, but is likely to involve:

- a. Presentation of the complaint
- b. A reply by the Headteacher or member of SLT
- c. Questioning by all parties
- d. Representation about ways to resolve the complaint satisfactorily.

45. After due consideration of all the facts they consider relevant, the Panel will reach a decision and may make recommendations which it shall complete within ten (10) working days of the hearing. The decision reached by the Complaints Appeals Panel is final.

46. Within five (5) working days of the decision being reached, the Panel's findings and recommendations will be sent by the Clerk in writing to the complainant(s), the Headteacher, the Panel and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Panel.

47. Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant body e.g. the Governing Body, although any such approval must be compatible with the decision of the Complaints Appeals Panel.

48. The Complaints Co-ordinator will keep a record of all appeals, decisions and recommendations of the Complaints Appeals Panel. Records will be kept for one (1) year after the pupil concerned leaves the school. The Headteacher will make the findings and recommendations available for inspection at the school.

The Remit of the Complaints Appeal Panel

49. The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Implement the appropriate action to be taken to resolve the complaint
- Recommend change to the school's systems or procedures to ensure that problems of a similar nature do not recur

50. Persons sitting on a Complaints Appeal Panel will be mindful of the following:

a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, the Chair of Governors needs to be sensitive to the issues of race, gender and religious affiliation.

b) The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c) An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure that the setting is informal and not adversarial.

d) Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel will be aware of the views of the child and give them equal consideration to those of adults.

e) The persons sitting on the Panel will be familiar with the entire complaints procedure.

The Role of the Clerk to the Governors

51. The Appeals Panel will be serviced by the Clerk to the Governors or their deputy. The Clerk is the contact point for the complainant and will:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing within the timescales set out above
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the decision

The Role of the Chair of Governors

52. The Chair of Governors will

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the Clerk to arrange the Appeals Panel

The Role of the Chair of the Appeals Panel

53. The Chair of the Appeals Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made and the Panel members are able to ask questions at any point
- People presenting to the Panel, including both parents and staff may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The Panel is open minded and acting independently
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions of the other side
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

Monitoring Complaints

54. The progress of any complaint and the final outcome will be recorded by the Complaints Co-ordinator and a note made of whether they are resolved at the preliminary stage or proceed to a Panel Appeal hearing. All formal complaints must be submitted in writing.

Governing Body Review

55. The Chair of Governors will monitor the level and nature of complaints and review the outcomes on an annual basis to ensure the effectiveness of the procedure and recommend changes where necessary. The Panel will report to the Governing Body any lessons learned. Wherever possible, complaints information shared with the whole Governing Body will not name individuals.

56. We are committed to on-going improvement. Therefore as well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, we will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body helps us in evaluating our performance.

The role of the Education Funding Agency

57. Once the school's own complaints procedure has been exhausted, the Education Funding Agency (EFA) may consider a complaint. The EFA cannot review or overturn decisions about complaints made by Academies. It can only investigate whether the Academy considered the complaint

appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

When the EFA will investigate

58. The EFA will investigate complaints about:

- Undue delay or the school's non-compliance with its own complaints procedure;
- Allegations that the school has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State;
- Allegations that the school has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and, if necessary, take further action in connection with the issue (including, but not limited to, a Court of law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies).

When the EFA will not investigate

59. The EFA will not investigate complaints about:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- A child or young person's Statement of Special Educational Need where there is another route of appeal, for example, the First-Tier Tribunal (Special Educational Needs and Disability) Service;
- Matters that are the subject of legal action

60. The EFA will not normally investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint. The EFA reserve the right not to investigate complaints considered to be serial or persistent or where they are satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

61. Complaints about Academies should be made via the [schools complaints form](#)

62. The EFA will not normally investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint. The EFA reserve the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

Serial and persistent complainants

63. The 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.

64. 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'*.

65. 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

66. 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

67. 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.

68. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

69. 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.

70. 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 the school.

Sir Roger Manwood's School Complaint Form

Please complete and return to the School Office, marked for the confidential attention of the Head Teacher or Chair of Governors as appropriate.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date: