

Sir Roger Manwood's School



Complaints Policy

Date of Approval: June 2022

Next Review: June 2025

Introduction

1. Sir Roger Manwood's School (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. Where you have a concern about any aspect of the School or your child's education or wellbeing, you should raise this with your child's form tutor, Head of Year or relevant subject teacher in the first instance. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss. Please see Stage 1 below for further information.
2. The School is 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.
3. When individual complaints are heard, the School 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.
4. All staff will be made aware of this procedure and are expected to review this document regularly in order that they are familiar with our process of dealing with concerns and can be of assistance when an issue is brought to their attention.
5. This policy and procedure will be relied upon in respect of all complaints made against the school except where:
 - a claim or potential claim is being made against the School;
 - it is of a legal nature, dispute or proceedings;
 - separate policies and/or procedures apply. A list of such matters are listed in Appendix A.
6. Anonymous concerns or complaints will not be investigated under this procedure.
7. We reserve the right not to consider complaints that:
 - are, or have been, subject to legal action
 - are malicious (that is, they are without sufficient grounds and serve only to cause annoyance)
 - use obscene, racist or homophobic language
 - threaten or contain personally offensive remarks about members of our staff
 - are repeatedly submitted with only minor differences after we have fully addressed the complaint
8. In this procedure:
 - 'school days' excludes weekends, INSET days and school holidays
 - 'parent' means a parent, carer or anyone with legal responsibility for a child

9. Please refer to Part 1 of this procedure if you are a parent or Part 2 if you are a member of the local community.
10. We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.
11. Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than three months after the incident being complained of (or, where a series of associated incidents have occurred, within three months of the last of these incidents) will not be considered unless the School accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.
12. On rare occasions the School may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently the School will follow the procedure set out in Part 4.
13. If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. This may include processing a subject access request linked to the complaint. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
14. In the event of an extended school closure, it may prove necessary to place the complaints procedure on hold if it is not possible for it to be concluded by holding virtual meetings. The Headteacher and/or Chair of Governors will determine this on a case by case basis.
15. Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may prevent them from considering complaints at later stages.
16. A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where:
 - access is requested by the Secretary of State
 - disclosure is required in the course of a school inspection
 - an individual has a legal right to access their own personal data contained within such documentation
 - under other legal authority.
17. Findings and recommendations are reported to the Pay and Personnel Committee and the Headteacher. The Committee will in turn report to the Governing Body.
18. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

PART 1: COMPLAINTS PROCEDURE FOR PARENTS

Stage 1: Informal concerns

- 19.** Most enquiries and concerns can be dealt with satisfactorily by the relevant class teacher, form tutor, Head of Year or Head of Department without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.
- 20.** It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
- 21.** It would be expected that most informal concerns will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2 of this procedure within 10 school days of you being notified of the outcome of your informal concern.
- 22.** If the concerns are about the Headteacher, these should be referred directly to the Clerk of the Governing Body (the Clerk) under Stage 2.

Stage 2: Formal written complaints

- 23.** If your concerns are not resolved under Stage 1, you should put your complaint in writing and send this to the Headteacher.
- 24.** It is important that you include a clear statement of the actions that you would like the School to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Appendix B of this procedure. If you require help in completing the form, please contact the School office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:
 - the nature of the complaint
 - details of how the matter has been dealt with so far
 - what you would like as an outcome from your complaint
 - copies of relevant documentation
- 25.** Your complaint will normally be acknowledged in writing within five school days of receipt. The acknowledgement will include an explanation of the actions to be taken and give clear timeframes.
- 26.** An investigation will be conducted either by the Headteacher or the Headteacher may delegate this to another member of the school's senior leadership team. The Headteacher may delegate the investigation but not the decision to be taken.
- 27.** If appropriate, the Headteacher (or investigator) may invite you to a meeting to clarify your complaint and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. You are not able to bring legal representation with you. Where possible, this meeting will take place within 15 school days of receipt of the written formal complaint.

28. During the investigation, the Headteacher (or investigator) will if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied by one other person, such as a friend, relative, advocate, interpreter or union representative (if a staff member) if they wish
29. During the investigation, the Headteacher (or investigator) will keep a written record of any meetings in relation to their investigation
30. If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint.
31. Once the relevant information relating to the complaint has been reviewed, the Headteacher will provide a formal written response within 25 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, you will be provided with an update and revised response date.
32. The written response will detail the actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint. A complaint may be upheld in full, upheld in part or rejected. A complaint may be rejected if there is insufficient evidence to reach a conclusion or the complaint is not substantiated by the evidence.
33. You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee under Stage 3 of this procedure.
34. If the complaint is about the Headteacher or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2. Complaints about the Headteacher or a member of the Governing Body must be made to the Clerk, via clerk@srms.kent.sch.uk
35. If the complaint is jointly about the Chair and Vice Chair or the entire Governing Body or the majority of the Governing Body, Stage 2 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3: Referral to the Complaints Committee

36. If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee (the Committee) be convened to hear your complaint. The Committee will consist of three governors who were not directly involved in the matters detailed in the complaint, two from the School and one from another school, i.e. independent of the management and running of the school. This is the final stage of the complaints procedure.
37. The aim of the hearing should be reconciliation and to put right things that may have gone wrong.
38. If the complaint is about the Headteacher or a member of the Governing Body (including the Chair or Vice-Chair), Stage 3 will be heard by a completely independent committee panel.

39. The Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
40. To request a referral to the Committee, you should write to the Clerk via clerk@srms.kent.sch.uk within 10 school days of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.
41. Your written request will be acknowledged within five school days of receipt.
42. Every effort will be made to convene a hearing within 20 school days of receipt of the Stage 3 request, dependent on the availability of the Committee members. If this is not possible, the Clerk will provide an anticipated date and keep you informed.
43. If the first identified date is not convenient for you, one further date will be offered. If this date fails to be suitable, the Committee will proceed in private and their considerations will be based on the documentation previously provided by you and the School representative. This is to ensure that the matter is resolved as soon as possible in the best interests of all parties.
44. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. You will also be informed of the name of the person who will be presenting the case on behalf of the School (referred to in this policy as the 'School representative'). This may be the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter.
45. You have the right to be accompanied to the hearing by a friend or relative. An interpreter is allowed for non-English speaking. You are not able to bring legal representation with you. You should notify the Clerk in advance if you intend to bring anyone with you. Companions may not address the Committee unless they are either supporting an individual's access arrangements (e.g. a translator or sign language interpreter). Representatives from the media are not permitted to attend.
46. A staff member attending the hearing may wish to be supported by union representation.
47. The Clerk will circulate documentation to you, the School representative and the Committee members. This will include an order of proceedings, a copy of the complaint and any other documents provided by you in support of your complaint, or by the School representative in defence of the complaint. Any additional documentation must be received by the Clerk no later than seven school days in advance of the hearing. The Clerk will distribute the documentation to the relevant parties no later than five school days in advance of the Committee hearing.
48. The Committee reserves the right not to consider any documentation presented by either party less than seven school days prior to the meeting. The Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
49. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and informed consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

50. The hearing will be conducted to ensure that each party has the opportunity to address the Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.
51. The meeting will be held in private.
52. Unless otherwise stated, the procedure for the hearing is as follows:
- the parent and School representative will enter the meeting together
 - the Chair of the Committee will introduce the Committee members and outline the process
 - the parent will explain the complaint
 - the School representative and Committee members will question the parent
 - the School representative will explain the School's actions
 - the parent and the Committee members will question the School representative
 - the parent will sum up their complaint
 - the School representative will sum up the School's actions
 - the Chair of the Committee will explain that both parties will hear from the Committee within ten school days
 - both parties will leave together while the Committee deliberates
 - the Clerk will stay to assist the Committee with its decision making
53. The Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the School representative to present their complaint/actions separately to the Committee in the absence of the other party.
54. After the meeting, the Committee will consider their decision and inform you and, where relevant, the person complained about, of their decision in writing within ten school days. The letter will set out the decision of the Committee together with the reasons underpinning that decision. The Committee can (by a majority if necessary):
- dismiss the complaint in whole or in part
 - uphold the complaint in whole or in part
55. If the complaint is upheld in whole or in part, the Committee will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the School's systems or procedures to ensure that issues of a similar nature do not happen again.
56. The decision reached by the Committee is final.
57. A copy of the Panel's findings and recommendations will also be provided to the person complained about, where relevant. A copy of the letter will be held centrally and be available for inspection by the Headteacher and will form part of the written record.
58. If you are dissatisfied with the way your complaint has been handled, you are entitled to refer your complaint to the Department for Education (DFE). The DFE cannot review or overturn decisions about complaints made by Academies. It can only investigate whether the Academy considered the complaint appropriately. If the DFE finds that an Academy did not consider a complaint appropriately it can request the Academy to reinvestigate the complaint
59. At the time of writing this procedure, the DFE procedure School complaints form are available at www.gov.uk/complain-about-school

Summary of Complaints Procedure for Parents

Stage 1: Informal Concern	<ul style="list-style-type: none"> • Parent brings concern to attention of member of staff • Issue to be resolved within 15 school days • Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2 within 10 school days
Stage 2: Formal Written Complaint	<ul style="list-style-type: none"> • Parent to put formal complaint in writing, preferably using Complaint Form, within 10 school days of completion of Stage 1 • Complaint to be acknowledged within 5 school days of receipt • Investigator to meet with complainant, if required, within 15 school days of receipt of formal complaint • Outcome of Stage 2 investigation sent to parent within 25 school days of receipt of formal complaint • Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 3 within 10 school days
Stage 3: Referral to Complaints Committee	<ul style="list-style-type: none"> • Parent to request referral to Complaints Committee within 10 school days of receiving notice of the outcome of Stage 2 • Request to be acknowledged within 5 school days of receipt • Hearing to take place within 20 school days of receipt of request wherever possible, depending on availability of Committee • School representative and parents to submit documentation in support of their case to Clerk at least 7 school days before the hearing • Notification of date, time and place of the hearing and details of the Committee members present sent at least 5 school days before the hearing • Complaints Committee decision sent not more than 10 school days after the hearing

PART 2: CONCERNS OR COMPLAINTS FROM OTHER PERSONS

- 60.** Part 1 of this Complaints Procedure applies only to complaints made by parents or carers of current registered students of the School. However, the School wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:
- 61.** Stage 1 - a concern regarding the School or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within ten school days. If a longer period is required, you will be kept informed of the progress of the investigation.
- 62.** Stage 2 - where a concern is not resolved at Stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher to investigate. You should write to the Headteacher within 10 school days of receipt of the outcome of Stage 1. The Headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to Stage 3. A formal response to the complaint will usually be provided within 15 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
- 63.** Stage 3 - if you are not satisfied with the response at Stage 2, you may request a review by writing to the Clerk of the Governing Body. You should write to the Clerk within 10 school days of receipt of the letter at Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will arrange for a governor to consider the complaint alone or may convene a complaints committee on the same terms as set out in Part 1 of this complaints procedure. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at Stage 3 exhausts the School's complaints procedure.
- 64.** Concerns or complaints regarding the Headteacher or the School as a whole should be referred direct to the Clerk who will arrange for the stages above to be considered by an appropriate person.

PART 3: UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

65. There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2.

66. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff or members of the Governing Body is abusive, offensive, discriminatory or threatening
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the School because of the frequency or nature of the complainant's contact, such as, if the complainant:
 - 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
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - 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
 - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
 - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - knowingly provides falsified information
 - publishes unacceptable and/or confidential information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

67. In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it
- restrict the complainant's access to the School e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the School's premises. Any such arrangements will be reviewed after six months.

- conduct the Complaints Committee on the papers only i.e. not hold a hearing
 - refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to the DFE (see paragraph 57).
- 68.** In all cases we will write to tell the complainant why we believe their behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.
- 69.** We may take the decision not to respond to any further correspondence where:
- we have taken every reasonable step to address the complainant's concerns
 - the complainant has been given a clear statement of our position and their options and
 - the complainant contacts us repeatedly, making substantially the same points each time
- 70.** The case for ceasing further correspondence is stronger where:
- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
 - we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience
- 71.** Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Governing Body, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

PART 4: COMPLAINT CAMPAIGNS

- 72.** For the purposes of this procedure, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the School) which are all based on the same subject.
- 73.** Depending on the subject in question, we may deviate from the procedure set out in this document and instead:
- send a template response to all complainants and/or
 - publish a single response on the School website
- 74.** Complainants may contact the DFE (see paragraph 57) if they are dissatisfied with the way their complaint has been handled.

Appendix A

Matters excluded from scope of the Complaints Procedure

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our Safeguarding and/or Allegations of Abuse Policies, and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) and/or the Director of Children's Services using the report child abuse to local council GOV.UK page
Data protection	You can raise complaints about this with Information Commissioner's Office
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at https://www.gov.uk/school-discipline-exclusions/exclusions
The quality of education or leadership, or concerns affecting the school as a whole	OFSTED addresses these through inspections (see the schools inspection guide for parents)
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the School's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
A child or young person's Education, Health and Care plan	You may find speaking with your local information, advice and support service helpful. This body is independent of the local authority and can provide impartial advice about the law on SEND, local SEND arrangements and support for your child's needs. More information about SEND is available on the First-tier Tribunal (Special Educational Needs and Disability) webpage.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus .

	Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint
Exam malpractice or maladministration	You should raise any complaints with the Office of Qualifications and Examinations Regulation (Ofqual) or the relevant awarding body

Appendix B

Complaint Form – Stage 2: Formal Investigation

This form should only be used if a complaint has not been resolved at Stage 1 of the Complaints Procedure.

Your name:	
Name of student, year group and your relationship to them:	
Your address:	
Your daytime telephone number:	
Your email address:	
If attending a meeting, do you require a translator or have a disability or impairment that the school should be aware of? If yes, please provide details:	

Your complaint is:
What action have you already taken to try to resolve your complaint informally? (Who did you speak to and what was the response?)
What would you like as an outcome from your complaint?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the School office in a sealed envelope addressed to the Headteacher or Clerk of the Governing Body (as appropriate).

For School use only:	
Date received	Date: Staff Initials:
Date acknowledgement sent	Date: Staff Initials:
Responsible member of staff	Date: Staff Initials: