



Swalecliffe Community Primary School

Complaints Policy

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Contents

Shared Vision	4
Introduction.....	4
Who can make a complaint?	4
Equal Opportunities and Inclusion Statement	4
Aims and Objectives	4
Our Procedure Aims to:	5
A Staged Process.....	5
Resolving concerns informally	5
The difference between a concern and a complaint	5
How to raise a concern or make a complaint	6
Anonymous complaints	7
Time scales	7
Complaints received outside of term time	7
Scope of this Complaints Procedure	7
Resolving complaints	9
Withdrawal of a Complaint.....	10
The Procedure	10
Stage 1	10
Stage 2	12
This is the final stage of the complaint's procedure.	12
Next Steps.....	14

The school’s actions in cases of Unreasonable or Persistent Complaints	15
Review of Policy.....	16
Appendix 1 Complaint Form	17
Appendix 2.....	18

Shared Vision

An exciting school where children are healthy and safe in a caring and supportive environment.

A happy, welcoming and inclusive school where communication is highly valued and everyone has a voice.

A school focused on high expectations of pupils' learning and achievements.

Introduction

This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about your child, the school or the education provided, please discuss the matter first with your child's teacher, or the relevant Phase Leader, at the earliest opportunity. The school takes any concerns very seriously and most problems can be resolved at this stage.

Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

Any person, including members of the public, may make a complaint to Swalecliffe Community Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Equal Opportunities and Inclusion Statement

Every member of Swalecliffe's Community will be valued, respected and welcomed equally. Children will be taught to celebrate their differences, understand the cultural diversity and variances within their community; local and global. Direct or indirect discrimination from any member of the school community to another will be tackled rigorously.

Aims and Objectives

The school will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed and aim to resolve it through open dialogue and mutual understanding

Our Procedure Aims to:

- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

A Staged Process

In order to investigate your complaint as fully as possible the governing body has adopted a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained from an attempt to resolve the matter informally as a concern to be addressed, and you wish to make a formal complaint, you have the right to go straight to stage 1 of the complaints procedure.

Resolving concerns informally

Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be aware from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. It can be helpful at this point to identify what sort of outcome the parent is looking for.

The difference between a concern and a complaint

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

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure, even if it matches the description of a complaint above.

Swalecliffe Community Primary School takes all concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we will refer you to another staff member.

The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Swalecliffe Community Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person by parents, carers (including parents or carers of children no longer at the school) and members of the public, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should normally be raised with the class teacher in the first instance. At this stage informal mediation may be offered. While this can be useful in helping the school and complainants reach an agreement and move forward, there are times when it may not be the most appropriate course of action.

Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between all parties

It should not be used as a substitute for an investigation during the formal stages of the complaints procedure.

If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant will not be prevented from moving to the next investigative stage of the complaints procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Head of School and Executive Headteacher) should be made in the first instance, to the Head of School the school office, at office@swalecliffe.kent.sch.uk.

Correspondence should be marked as Private and Confidential.

Complaints against the Head of School should be made in the first instance, to the Executive Headteacher via the school office, at office@swalecliffe.kent.sch.uk.

Correspondence should be marked as Private and Confidential.

Complaints that involve or are about the Executive Headteacher should be addressed to Mr Chris Cornell (the Chair of Governors), via the Clerk at Clerk@swalecliffe.kent.sch.uk

Correspondence should be marked as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governors at Clerk@swalecliffe.kent.sch.uk

Correspondence should be marked as Private and Confidential.

For ease of use, a template complaint form is included to view at the end of this procedure. This form is available as a Word document: Complaint Form – Appendix 1, and as an online form via the link: [Appendix 1 Complaint Form \(cognitofirms.com\)](https://cognitofirms.com). **We recommend using the template complaint form for this purpose.**

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 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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Executive Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Swalecliffe Community Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	For concerns about admissions please see the School's Admissions Policy or contact Kent County Council Admissions team
Statutory assessments of Special Educational Needs	Special Education 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
School re-organisation proposals	School re-organisation proposals should be raised with the KCC Contact Centre 01622 671411
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
Freedom of Information	Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer.</p> <p>Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> <p>Anonymous complaints: Please refer to the School's Whistleblowing Policy</p>

Staff grievances	Staff grievance, capability or disciplinary; these are covered by separate School Policies and Procedures
Staff conduct	Complaints about staff will 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.
Complaints about services provided by other providers who may use school premises or facilities	Whilst we do undertake necessary initial checks to ensure that those using the school premises have suitable processes in place. Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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.

If a complainant commences legal action against Swalecliffe Community Primary School in relation to their complaint, we will suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

If a complainant contacts Swalecliffe Community Primary School again in relation to their complaint, the correspondence may then be viewed as 'serial' or 'persistent' and Swalecliffe Community Primary School will not respond but will continue to complete the initial complaints procedure in full.

Resolving complaints

At each stage in the procedure, Swalecliffe Community Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

The Procedure

Stage 1

If you feel that a concern has not been addressed through informal discussion, and you wish to have the matter formally investigated by an appropriate person from the school, please complete a complaint form (See Appendix 1).

Formal complaints must be made to the correct person as detailed above (Head of School for all school staff except the Head of School or Executive Headteacher, to the Executive Headteacher for complaints regarding Head of School), online via the link- [Appendix 1 Complaint Form \(cognitofirms.com\)](#) or by telephone or via email for the attention of Mr Cooper or the Head of School, at office@swalecliffe.kent.sch.uk

The Head of School/Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Head of School/Executive Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head of School/Executive Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

The complaint will be dealt with by the most appropriate member of staff.

If the matter is about:

- the day-to-day running of the school
- the interpretation of school policies
- the actions or inactions of staff at the school
- the Head of School

These are concerns/complaints under the Head of Schools responsibility and will be investigated by the Head of School/Executive or member of LT (except in the instance of it being about a member of LT).

If the matter is about:

- school policies as determined by the Governing Body
- the actions or inactions of the Governing Body

These are concerns/complaints under the Governing Body's responsibility and will be investigated by a governor nominated by the Chair. It may be necessary to appoint an independent investigator in certain circumstances.

If the complaint is a staff disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, but you are not entitled to know which procedure or the final outcome.

During the investigation, the Head of School/Executive Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head of School/Executive Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Head of School/Executive Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any 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 Swalecliffe Community Primary School will take to resolve the complaint.

The Head of School/Executive Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Executive 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 1.

Complaints about the Head of School/Executive Headteacher or member of the governing body must be made to the Clerk of the Governing Body, via the school office at Clerk@swalecliffe.kent.sch.uk

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 may be considered by a suitably skilled and impartial member of the Governing body or if there are no suitably skilled and impartial members it could be considered by an independent investigator appointed by the Clerk on behalf of the governing body or depending on the nature of the complaint to provide an impartial investigator. At the conclusion of their investigation, the chosen investigating body will provide a formal written response to the complainant and governing body.

If the Stage 1 complaint has been overseen by the Head of School and the complainant is not satisfied with the response then the next step will be for them to make a request for the Executive Headteacher to review the matter. If this does not resolve the issue to the satisfaction of the complainant, then the matter will move to stage two.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. A request to escalate to Stage 2 must be made to the Clerk, Clerk@swalecliffe.kent.sch.uk within 5 school days of receipt of the Stage 1 response.

This is the final stage of the complaint's procedure.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) also within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints panel will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Swalecliffe Community Primary School available, the Clerk will source any additional, independent governors through another local school governing body.

Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2. Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. Complainants should provide the Clerk with evidence of bias in support of their request.

If the committee is convening following rejection of three proposed dates without good reason the complaint will proceed on the basis of written submissions from both parties but in making their decision they will be sensitive to the complainant's needs.

When the complainant attends the meeting, they may bring someone along to provide support. This can be a relative or friend. The Department for Education recommend that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings. The aim of the governors committee should be:

- reconciliation
- to put right things that may have gone wrong

The Department for Education recognises there may be occasions when legal representation is appropriate for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private and minuted. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Schools are data controllers in their own right and have the discretion via their policies to decide for themselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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 prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Swalecliffe Community Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled, along with copies of the minutes.

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 heard by a committee of independent governors convened by the Clerk from either impartial members of the GB or from another local school governing body. The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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 systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Swalecliffe Community Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled, along with copies of the minutes.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Swalecliffe Community Primary School. They will consider whether Swalecliffe Community Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

The school's actions in cases of Unreasonable or Persistent Complaints

Swalecliffe Community Primary School is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. Anyone has the right to raise a new complaint at any time. 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.

In the first instance the school will inform the complainant in writing that their behaviour is considered to be becoming unreasonable or unacceptable and, if it is not modified, action may be taken in accordance with this policy.

If the behaviour is not modified the school will take some or all of the following actions as necessary having regard to the nature of the complainant's behaviour and the effect of this on the school community.

- Inform the complainant that their behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy.
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties.
- Inform the complainant that, except in emergencies, all routine communication between the complainant and the school will be in writing only
- In the case of verbal or physical aggression the school will take advice from HR/Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a ban.
- Consider taking advice from Legal Services on pursuing a case under Harassment legislation
- Consider taking advice from Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be permitted to deal directly with the Executive Head

Teacher but only a third person to be identified by the Governing Body of the school, who will investigate, determine whether a complaint is reasonable or vexatious, advising the Head Teacher and the Governing Body accordingly. However legitimate new complaints may still be considered under the usual policy.

If a complainant's persistent complaining/harassing behaviour is modified but resumed within a reasonable period of time the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from HR/Legal Services.

Review of Policy

This policy is effective from its review date. The Governing Body will ensure the policy is reviewed to take account of any statutory regulation or associated guidance or changes in Kent County Council's policy.

Appendix 1 Complaint Form

Please complete and return to the School Office who will acknowledge receipt and explain what action will be taken.

Your name: _____ Pupil's name: _____

Your relationship to the pupil: _____

Address: _____

Postcode: _____

Daytime 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?

(Examples are: an explanation, an admission that the situation could have been handled differently or better, an assurance that we will try to ensure the event complained of will not recur, an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made, an undertaking to review school policies in light of the complaint and an apology.)

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

Signature: _____

Date: _____

Appendix 2

Complaints Procedure Flowchart



