



**Kendrick School**  
**Complaints Procedure**  
**(Incorporating complaints regarding Curriculum and Collective Worship)**

Approval Date: November 2018  
Next Review Date: November 2018

# Complaints Procedure

(Incorporating complaints regarding Curriculum and Collective Worship)

## Introduction

The school recognises the importance of establishing and maintaining good relationships with parents, carers and the wider community and also wishes to provide a safe and happy environment for students to learn and to develop. There may, however, 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 fairly, quickly and informally as possible.

## Principles

Most complaints can be resolved satisfactorily by informal discussion either over the phone or through a meeting involving the key people involved. All formal complaints will be investigated fully, fairly and carefully and complainants kept informed of progress. The aim is always to secure a resolution of the complaint to the satisfaction of the complainant if possible.

There is a difference between a *concern* and a *complaint*:

A concern is a worry or an anxiety. It is likely to require a discussion between teacher, parent and student. If unresolved, it could become a complaint.

A complaint is a formal expression of dissatisfaction which needs a response from the school. A complaint is likely to arise when there are issues relating to a student's physical or emotional well-being and security or when the school's stated values or aims are being ignored. Parents/carers may complain if they consider that the school is not doing one or more of the following. A breach of the law will always constitute a complaint.

- Providing a curriculum to meet the needs of their child
- Complying with the law on charging for school activities
- Providing religious education and daily collective worship
- Providing statutory information
- Carrying out a statutory duty
- Acting reasonably

## Aims of the document:

- To set out guidelines which will enable good communication and relationships to be maintained between the School and persons who wish to express a concern or pursue a complaint.
- To support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents.
- To provide a clear and fair procedure for the resolution of concerns or complaints.
- Comply with the Education (Independent School Standards) Regulations 2010 for dealing with complaints from parents of students.

## Responsibilities of Kendrick School

As an academy, Kendrick School will offer:

- An opportunity to resolve the complaint on an informal basis
- A formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors

- A hearing with a panel set up by the academy trust comprising of no fewer than two people not directly involved in the matters detailed in the complaint, one of whom must be independent of the leadership and running of the school. Parents must be allowed to attend the panel and be accompanied if they wish.
- give clear timescales for the management of complaints
- provide opportunity to make and resolve the complaint on an informal basis e.g. through discussion with a senior member of staff
- set out a formal procedure for the complaint to be made in writing when the parent or other complainant is not satisfied with initial informal outcomes
- allow for a panel hearing to be set up by the academy trust when the parent or other complainant is not satisfied with the outcome of the written complaint. The panel must include at least 3 people who are not involved in matters detailed in the complaint. One member of the panel must be independent of the management and running of the school. Parents, accompanied if they wish, must be able to attend the hearing
- allow for the panel to make findings and recommendations with a copy of the outcome information provided to the complainant and, if relevant, the person complained about. The outcome information must be available for inspection on the school premises by the proprietor and the head teacher
- require written records of all complaints including details of how they are resolved, and action taken by the academy as a result of the complaint
- require records relating to individual complaints remain confidential except under certain circumstances including Secretary of State request and inspection
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### **Responsibilities of the Headteacher**

- take all complaints seriously and deal with them sensitively
- if necessary request that the complaint is put in writing so that it can be investigated
- respond to the complaint personally or delegate it to an experienced member of the senior leadership team
- involve other members of staff as appropriate
- where necessary, explain the legal position with regard to the complaint and the scope available to the school to make changes
- advise the complainant of their right to pursue the matter with the governing body
- ensure the governing body is advised of any complaints and provided with guidance to assist the decision-making process

### **Responsibilities of the Education Skills and Funding Agency (ESFA)**

All complaints should in the first instance be made directly to the academy following its complaints procedure. The ESFA will deal with complaints about academies if it is deemed the academy has not complied with the terms of the funding agreement which is the contract between the academy and the Secretary of State. The ESFA will investigate complaints that fall in the following areas:

- Undue delay or non-compliance with the academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement
- An academy's failure to comply with any other legal obligation, unless there is another organised better placed to consider the matter e.g. quality of education – these should be raised with Ofsted.

### **ESFA'S Remit**

ESFA may only be able to help if the complainant is unable to complain, or is not satisfied with how the academy handles the complaint because it:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations (see [Other information](#) below)
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

ESFA cannot change an academy's decision about a complaint. Its role is to make sure the academy handles the complaint properly by following a published procedure.

The ESFA is not able to help with:

- a child or young person's [statement of special educational need](#)
- the quality of education or leadership, or concerns affecting the school as a whole, which are addressed through OFSTED inspections (see the [schools inspection guide for parents](#))
- discrimination. You can raise complaints about this with [Equality Advisory Support Service](#)
- data protection. You can raise complaints about this with [Information Commissioner's Office](#)
- exam malpractice or maladministration. Any complaints should be raised with [Office of Qualifications and Examinations Regulation \(Ofqual\)](#) or the relevant awarding body
- child protection (safeguarding). Issues should be raised with your local authority designated officer (LADO) and/or the Director of Children's Services using the [report child abuse to local council](#) GOV.UK page)
- criminal cases. Please report these to the police

There is a separate guidance about academy [independent admission appeal panel complaints](#)

#### **Links to other policies:**

Home school compact; Behaviour policy; Uniform policy, Homework Policy, Whistleblowing Policy or any other related policy.

#### **Equality statement**

Kendrick School believes that all individuals and groups should receive equal access and opportunities to develop and learn. This procedure sets out to ensure that there is no discrimination against individuals or groups.

#### **Monitoring/evaluation arrangements**

The Headteacher will report to the Governing Body on complaints which reach the formal stages of the procedure, but individual complaints will not be discussed unless a panel of governors has been required to consider a complaint, in which case, the recommendations from the panel will be shared with the Governing Body.

#### **Background Information**

##### **1. This procedure set out in this policy does NOT apply:**

- to complaints about the conduct of a particular teacher where the investigations would be carried out under the school staff discipline procedures, which remain in the professional domain, with the hearing and appeal being heard by a panel of governors. Disciplinary action is taken at the discretion of the Headteacher.
- Complaints concerning Curriculum & Collective Worship  
Procedures for dealing with any complaint concerning curriculum and collective worship will be the same as the first three stages in this policy.  
If the parent having gone through the first three stages of the complaints procedure (Informal Resolution, Headteacher Investigation – (Formal) and Review by the Governing Body – (Formal)) is still unhappy with the outcome, the Chair of Governors may contact the Department of Education (DfE). A representative of the DfE will review the provision in question against statutory guidance and the Funding Agreement and report findings and/or recommendations to the complainant, Headteacher and Governing Body.

**2. Concerns relating to child protection**

If, at any stage, a complaint raises concern that a member of staff may not be suitable to work with children, the Headteacher as the Designated Officer must be consulted together with any other HR procedure. In case of a complaint against the Headteacher the Chair of Governors must be consulted.

**3. Advice for parents making a complaint can be obtained from:**

- The Advisory Centre for Education [www.ace-ed.org.uk](http://www.ace-ed.org.uk) Tel: 0300 011 5142 (Mon-Wed)
- Reading Borough Council parent helpline. Tel: 0118 937 2265
- SEND IASS (formerly Parent Partnership) (For parents of children with Special Educational Needs). Tel: 0118 9399821
- Child Law Advice Tel: 0300 330 5485

**4. Contacting the ESFA**

If, after exhausting all stages of the complaints procedure, the complainant feels the school has acted unreasonably they may make a complaint in writing to the Secretary of State for Education at the Department for Education:

Department for Education, Castle View House, East Lane,  
Runcorn, Cheshire WA7 2GJ

Telephone: 0370 000 2288

Or:  
ESFA Complaints  
Chief Executive’s Office  
Cheylesmore House  
Quinton road,  
Coventry  
CV1 2WT

Or:  
Department for Education, Sanctuary Buildings, Great Smiths Street,  
London, SW1P 3BT

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## **PART A: General complaints concerning a student or member of staff**

### **1. STAGE 1 - Informal Resolution**

#### **Informal Step 1**

Any complaint must first be raised in discussion with the member of staff concerned to clarify the situation and to try to reach an early mutually acceptable resolution.

#### **Informal Step 2**

If the complaint is unresolved at Step 1, the complainant should ask for a meeting with the Headteacher to try to reach an early mutually acceptable resolution.

A complainant should receive a response to a complaint within five working days of receipt of the complaint at either step in stage 1.

### **2. STAGE 2 - Headteacher Investigation – Formal**

Should the complainant be dissatisfied with the resolution proposed at Stage 1 they may ask for a Headteacher Investigation of their complaint. The Headteacher or another senior member of staff would normally conduct the investigation.

To escalate to this stage the complainant must write to the Headteacher giving details of the complaint and the reasons why they are dissatisfied with the Stage 1 resolution. The written complaint may be in the form of a letter or e-mail.

A complainant should receive an acknowledgement of their request for an escalation to stage 2 within 5 working days giving an indication of when the investigation will be complete and when the complainant should receive a full response. In any case the complainant should have a full response within 15 working days. In circumstances where the case is so complex that the investigation is going to take longer the complainant should be kept fully informed of progress in the case.

### **3. STAGE 3 - Review by the Governing Body – Formal**

Should the complainant remain dissatisfied with the outcome of the Headteacher Investigation stage they have the right to request a review by a panel of Governors.

To escalate to this stage the complainant must write to the Chair of the Governing Body at the school address requesting the review and giving their reasons for being dissatisfied with the outcome at Stage 2. The written complaint may be in the form of a letter or e-mail.

The process for resolving the complaint will be shared with the complainant and a time scale no longer than 20 working days will be agreed to bring the complaint before the Governing Body complaints panel.

On receiving a review request the Chair will call a meeting of the Governing Body complaints panel comprising of no fewer than two governors to hear the complaint. See Appendix 1 Procedure for Governing Body Complaints Panel

The panel will:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- or, decide there is insufficient evidence to make a decision

The panel may also:

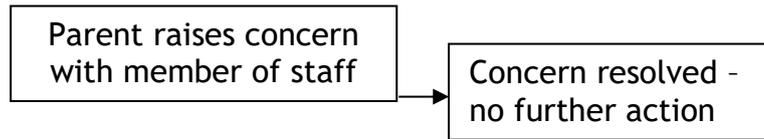
- recommend appropriate action to be taken to resolve the complaint;
- recommend a review of the relevant school systems or procedures to ensure that problems of a similar nature do not recur.

The decision of the Governing Body complaints panel will be final in most cases.

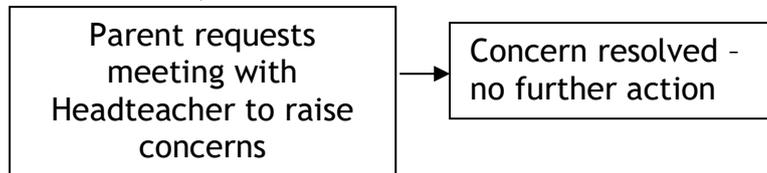
# Flowchart of procedure for handling general complaints concerning a student or member of staff

## Stage 1 - Informal

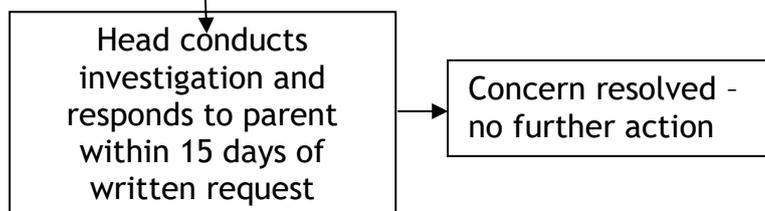
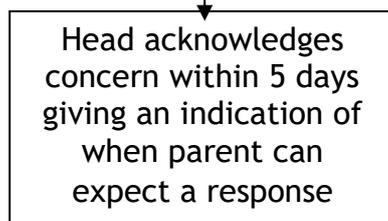
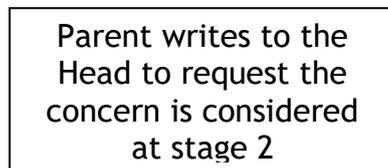
### Step 1



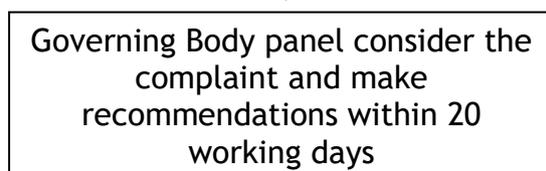
### Step 2



## Stage 2 (Headteacher Investigation)



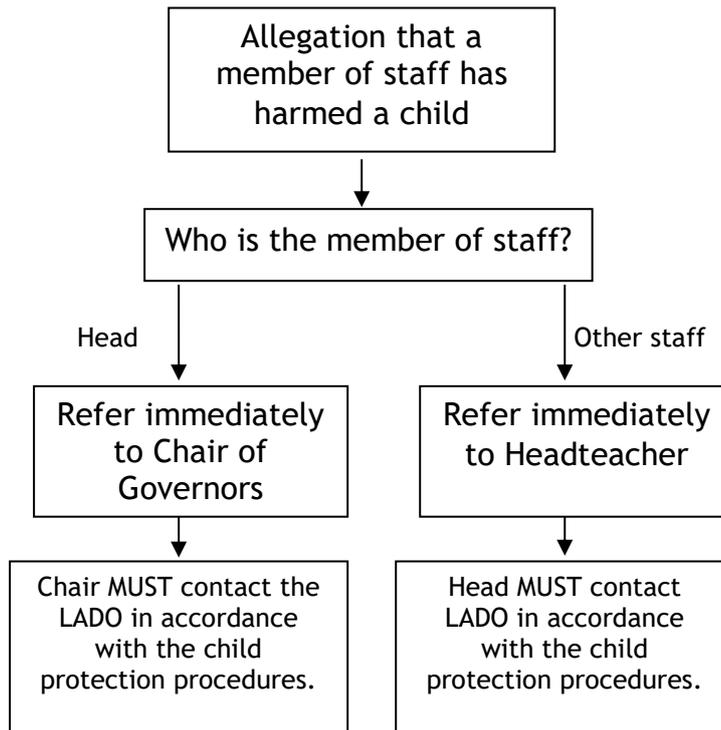
## Stage 3 (Review by Governing Body)



## **PART B: Child Protection Allegations against members of staff (including the Head)**

1. If a child or parent makes an allegation that a member of staff has abused or harmed the child, the matter must be referred immediately to the Headteacher. The Headteacher must then without delay contact the Local Authority Designated Officer (LADO) in accordance with the child protection procedures.
2. If a child or parent makes an allegation that a Headteacher has abused or harmed their child, the matter must be referred right away to the Chair of Governors. The Chair of Governors must then without delay contact the LADO in accordance with the child protection procedures.

### **Flowchart of actions for Child Protection Allegations against members of staff (including the Head)**



## **PART C: Complaints concerning the Headteacher or a governor**

1. Any complaint concerning the Headteacher or a governor should be referred to the Chair of Governors, unless the Chair is involved in which case the complaint should be dealt with by the vice chair or other senior governor.
2. (Other than for Child Protection allegations against the Headteacher) the Chair should arrange a meeting with the Headteacher or Governor to relay the details of the complaint. Care must be taken not to give a judgement about the complaint or potential outcome but simply to explain the complaint and the procedure that will be followed. This needs to be done sensitively and quickly. Information may need to be repeated or updated by email, but this should not be a substitute for a meeting.

### **Stage 1 (Informal)**

3. The Chair of Governors should seek to convene a meeting with the complainant and the Headteacher or governor to secure an informal resolution to the complaint by mediation. Both the complainant and the Headteacher/governor are entitled to have another person as support at the meeting.

### **Stage 2 (Formal)**

4. Should either the Headteacher/governor or the complainant be unwilling to participate in a mediation meeting or the mediation meeting fails to resolve the complaint, the Chair of Governors should appoint an investigator from outside the Governing Body to investigate the complaint and prepare a report for the Complaints Panel. Schools should inform the Young People's Learning Agency (YPLA) of any complaint against the Headteacher that has reached this stage. See Appendix 2 for Procedure for investigating complaints concerning the Headteacher or Governing Body.
5. The Complaints Panel should consider the report of the professional investigator, representations from the Headteacher/governor and the complainant in coming to their decision. To this end the Complaints Panel may choose to invite written representations or invite the Headteacher/governor and the complainant to attend the meeting to make oral representations. It is important that both parties are given the opportunity to make representations to the Complaints Panel.
6. In the vast majority of cases the decision of the panel is final. However if after exhausting all stages in any of the above cases the complainant is still dissatisfied, the Chair of Governors can ask the EFA for an independent advisor to review whether the policy and procedures have been followed correctly. The complainant is still entitled at any stage to make representations to the EFA, the Ombudsmen and Ofsted.

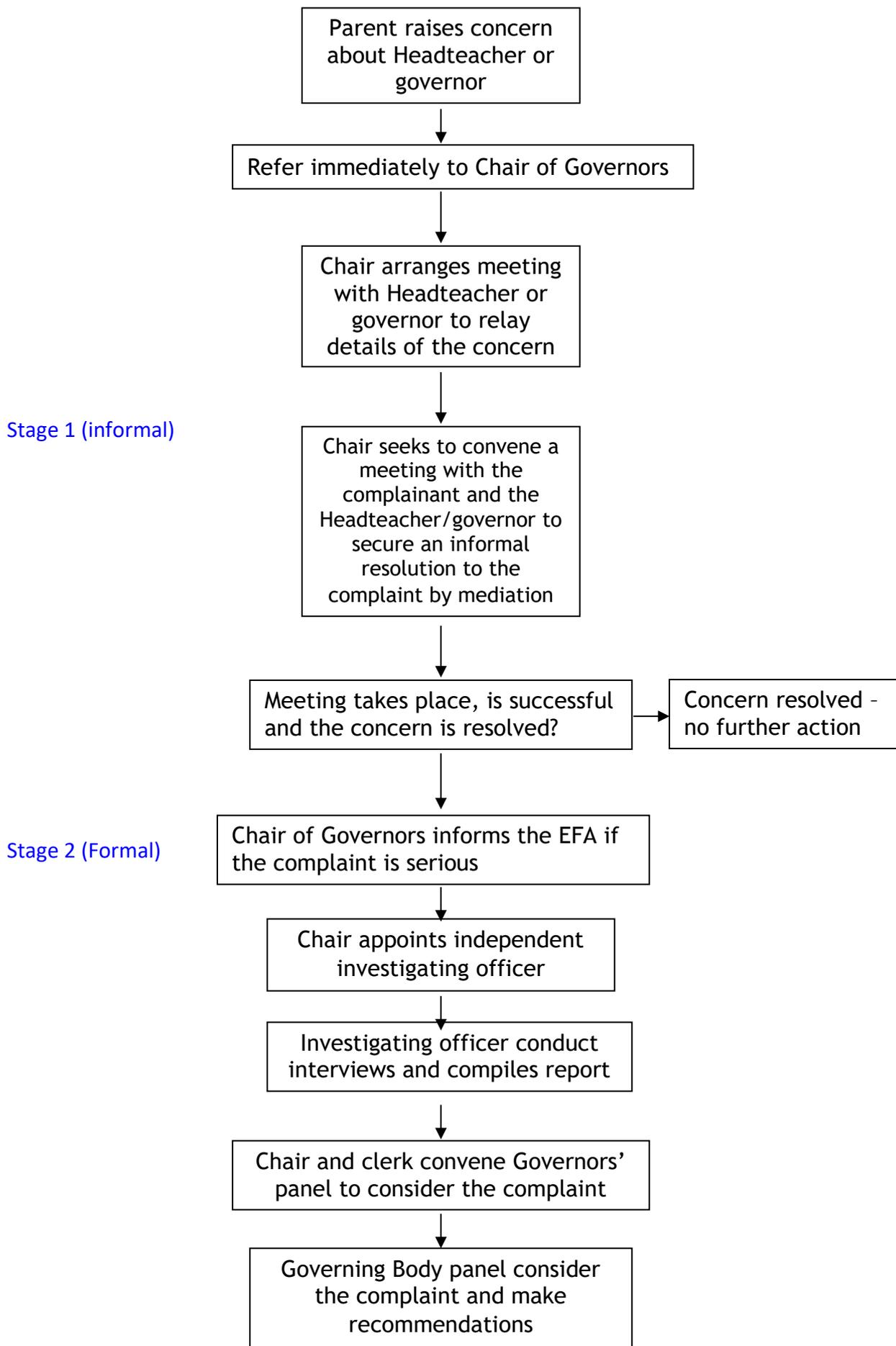
**NOTE:** The investigation report to a governor panel does NOT form part of any staff HR procedure. If, as a result of the investigation, an HR procedure needs to be followed, the situation will have to be investigated again under the remit of the HR procedure.

**It is important not to confuse complaints from parents with issues about staff discipline or capability, which are dealt with under HR policies and procedures.**

A complainant is entitled to know that their complaint has been investigated and that the Headteacher has taken action which is deemed to be appropriate within the procedures of the school.

A complainant is not entitled to become involved in the employment relationship between the school and the member of staff and should not be given details about what an investigation may have discovered or how the Headteacher intends to proceed if personnel procedures are to be embarked upon.

## Flowchart of actions for complaints concerning the Headteacher or governor



## **PART D: Dealing with unreasonably persistent complaints and unreasonable complainant behaviour**

1. The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **School's Complaints Procedure**.

The school is committed to dealing with all complaints fairly and impartially and in the best interests of the child and does not normally limit the contact complainants have with the School. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

2. However there are a small number of complainants who, because of the frequency, nature and quality of their contact with the School, hinder the school's consideration of their complaints, or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, action will be taken to limit their contact with the School. In the case of physical or verbal aggression shown by the complainant the School take legal advice
3. The decision to restrict contact with the School will only be taken in consultation with the Chair of Governors after taking legal advice and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:
  - a) To inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy.
  - b) To inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties.
  - c) To inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only.
  - d) The school will consider taking advice from the YPLA on pursuing a case under Anti-Harassment legislation
4. In all cases where the school has decided to treat someone as an unreasonably persistent complainant, the Headteacher will write to tell the complainant why it is felt their behaviour falls into that category, what action is being taken and the duration of that action.
5. Where a complainant, whose case is closed, persists in communicating with the school about it, the school may decide to terminate contact with that complainant about the matter. In such cases, all correspondence from that complainant will be read, but unless there is fresh evidence which affects the decision on the complaint it will simply be acknowledged it or placed it on file with no acknowledgement.
6. New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

## **Appendix 1 Complaints Procedure**

### **Procedure for the Governing Body Complaints Panel.**

#### **Introduction**

The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant and be conducted as informally as possible. Any hearing must be seen to be independent and impartial and made up of a panel of governors from a wide-cross section of the community who are sensitive to issues of race gender and religious affiliations and familiar with the complaints procedure. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel need to be aware that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.

1. Witnesses are only required to attend for the part of the hearing which they give their evidence.
2. After introductions the complainant is invited to explain their complaint and be followed by witnesses.
3. The headteacher may question both the complainant and the witnesses after each has spoken.
4. The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
5. The complainant may question both the Headteacher and witnesses after each has spoken.
6. The panel may ask questions at any point.
7. The complainant is then invited to sum up their complaint.
8. The headteacher is then invited to sum up the school's action and response to the complaint.
9. Both parties leave whilst the panel decide the issues.
10. The Chair explains that both parties will hear from the panel within a set time scale.
11. 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 affect 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 is needed to ensure the setting is informal and not adversarial.
12. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated.
13. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

## **Appendix 2 Complaints Procedure**

### **Procedure for investigating complaints concerning the Head or Governing Body**

1. When the complaint reaches Stage 2, the Chair of the Governing Body would appoint an investigating officer. (The investigating officer then works as an independent adviser to the Governing Body.)
2. On receipt of the complaint the investigating officer will write to the complainant and arrange a meeting to clarify and agree the exact nature of the complaint. The process for resolving the complaint will be shared with the complainant and a time scale no longer than 20 working days will be agreed to bring the complaint before the Governing Body complaints panel. (This is an important stage for the avoidance of doubt at subsequent stages.)
3. The investigating officer will then make appointments to speak with the Headteacher/governor and any other relevant person. (The purpose of this stage is to enable the complaint to be put, answers to be given and evidence to be collected.)
4. When the investigating officer is satisfied that he/she is in receipt of all the relevant evidence he/she will prepare a report. The report will consider the complaint in detail, in the light of all the evidence, draw conclusions as to whether the complaint is upheld, not upheld, unproven or partially upheld and make recommendations.

5. When the draft report is complete it will be shared in the first instance with the Head and the complainant, who will be invited to make comments on points of factual accuracy.
6. The investigating officer should attend the panel meeting to answer any questions and make any points of clarification required by the committee.