



## Sussex Road School Complaint Policy and Procedure

### **Introduction**

This policy and procedure is available to anyone, including members of the public, who makes a complaint to the School about the provision of any facilities or services we provide. Some complaints are dealt with under separate statutory procedures (Please see below Scope for Complaints Procedure), the school will use this procedure for all other complaints.

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 this procedure. The school takes all concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

### **Raising a Concern or Complaint**

Concerns should be raised with the class teacher in the first instance, through the home-school communication book. If necessary, please email or telephone the school office to request further contact or to ask that an alternative member of staff member contact you. If the issue remains unresolved, you will be referred to the phase leader. In the event the issue remains unresolved, the next step may be to raise a formal complaint.

A concern should **not** be addressed to members of the governing board, who have no power to act on an individual basis. Where any unresolved concern becomes a complaint, governors must be able to follow the procedure impartially. Where a matter needs to be dealt with by the governing board – such as a complaint against the Headteacher, the school will make the necessary arrangements.

#### Nominated Complaint Administrator

If you have difficulty discussing a concern with a particular member of staff, please speak to the school's nominated Complaint Administrator, will refer you to an alternative staff member.

Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may not be more senior but be considered to have the ability to treat the concern objectively and impartially. The school understands there are occasion people wish to raise their concerns formally. In these cases, we will attempt to resolve the issue internally, by working through each stage outlined in this procedure.

#### Procedure to raise concern

During the aftermath of COVID19 restrictions, a concern can continue to be made in writing or by telephone or by email to [schooloffice@sussex-road.kent.sch.uk](mailto:schooloffice@sussex-road.kent.sch.uk) Once COVID19 restrictions ease sufficiently to allow greater site access, a concern can additionally be made in person via the school office or by seeking a face to face meeting with the class teacher. 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.

#### Procedure to make a formal complaint

Formal complaints may also continue to be made in writing or by telephone in the until COVID19 restrictions are further relaxed. All formal complaints should where possible be made or followed up in writing use the template provided in this document.

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.

Written	Ratified	Review
September 2022	Delegated to HT	Annually

The completed form – **Appendix A** must be marked submitted in a sealed envelope Private and Confidential, C/O The Complaint Administrator and submitted via the School Office

**Mrs Timbers** the School’s Administration Officer is our, nominated Complaint Administrator

Subject of the complaint	Addressee
<a href="#">Any member of School staff (except the Headteacher)</a>	Miss S Bowles - Headteacher
<a href="#">The Headteacher</a>	Mr M Webber – Chair of Governors
<a href="#">The Chair of Governors, the Chair and vice-chair or the entire governing Board and Stage Two of the complaints procedure</a>	Mrs L Hardwick – Clerk to the Governors

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure, including providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

A flow diagram illustrating how to raise a concern or make a complaint is attached at the end of this document.

#### [Anonymous complaints](#)

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

#### **Timescales**

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 normally 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 the School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools. Statutory assessments of Special Educational Needs. School re-organisation proposals.	For concerns about admissions please see the School’s Admissions Policy or contact Kent County Council Admissions team Special Educational Needs: The Complainant can use this policy to complain unless the Complainants 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 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.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Telephone: 03000 410888 Email: <a href="mailto:kentchildrenslado@kent.gov.uk">kentchildrenslado@kent.gov.uk</a>
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</i>

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 matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . 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.
Staff grievances.	Complaints from staff will be dealt with under the school's internal grievance 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	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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 authorities have completed their investigations.

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

### Resolving Complaints

At each stage in the procedure, we want 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.

### Procedure for Formal Complaints Process

COVID19: It is noted that throughout this process where reference is made to meetings these will where possible be remotely via Zoom or Teams 365 in accordance with the School's Risk Assessment. Face to Face meetings will only be considered where social distancing may be guaranteed to all attendees and if the integrity of school teaching bubbles may be assured.

#### [Stage 1](#)

Once a formal complaint is received (if does not relate to the Headteacher) she will record the date of receipt and acknowledge receipt by letter or e mail within 5 days of that date. She may seek to clarify the nature of the complaint, ask what remains unresolved and clarify the outcome the complainant is seeking. The Headteacher may consider whether a face-to-face meeting is the most appropriate way of doing this. The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

Investigations may include an interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish. A written record of any such meetings/interviews will be kept

At the conclusion of the investigation, the Headteacher will endeavour to provide a formal written response within 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, she will provide the complainant with an update and revised response date.

The response will detail actions taken to investigate the complaint, a full explanation of the decision made and the reason. Where appropriate, it will include details of actions the School will take to resolve the complaint.

The 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 or involves the actions of the Headteacher, or an individual member of the governing board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

#### Stage 1 Complaints about the Governing Board

will be considered by an independent investigator appointed by the governing board, on agreement with the complainant if the complaint is:

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

Such complaints should be made to the Clerk to the Governing Board as set out above

At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant and to governing board.

#### Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 (and the complaint has not raised an issue involving the Board as a whole) they may request that the complaint escalate to Stage 2. This involves a meeting with members of the governing board's complaints committee, formed of three, impartial, governors, with no prior knowledge of the complaint. This is the final stage of the complaints' procedure.

A request to escalate to Stage 2 must be made to the Clerk to the Governing Board as detailed above. Requests should be made within 5 school days of receipt of the Stage 1 response. Requests received outside this time frame will only be considered in exceptional circumstances .

The Complaints Administrator will record the date the complaint is received and acknowledge receipt of the complaint in writing (by letter or email) within 5 school days, before passing the complaint to the Clerk to the Governing Board.

The Clerk will write to the complainant informing them of the date of the meeting. Meeting will where possible be convened within 20 school days of receipt of the Stage 2 complaint. 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.

Prior to the meeting, the complaints committee will nominate a member to chair the committee. If there are fewer than three governors from the School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, in making this decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Neither party is encouraged to bring legal representatives to the meeting, however, in some instances a staff member may for instance wish to be supported by union and/or legal representation.

### Complaints Panel Meeting

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 consider any new complaints at this stage or evidence unrelated to the initial complaint. Any new elements must be dealt with from Stage 1 of this procedure.

The meeting will be held in private although the Committee may permit someone to attend such as a direct witness to events. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be gained before meetings or conversations take place. Consent will be recorded in any minutes taken. Representatives from the media are not permitted to attend.

### Outcomes

Having considered 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 us with a full explanation of the decision and the reason(s) for it, in writing, within 15 school days.

The letter will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

### Stage 2 Complaints about the Governing Board

If the complaint is:

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

Stage 2 will be heard by a committee of independent governors. 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 the School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Next Steps**

If the complainant believes the School did not handle their complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of its duties under education law, they can contact the Department for Education after completion of Stage 2. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by schools but will consider whether the school 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](http://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.

## **Roles and Responsibilities**

### Complainant

The complainant will receive a more effective response to the complaint if they:

- follow all steps of the complaints process
- explain the complaint in full as early as possible
- co-operate with the School in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Complaints Administrator

The Complaints Administrator will:

- Ensure confidentiality at all times
- Be aware of issues regarding shared third-party information and any additional support needed by the complainants
- Keep securely, records of correspondence.
- Receive and record the date of receipt of the formal complaint for the governing board, including by telephone
- Acknowledge in writing to the complainant receipt of the complaint within 5 working days and inform that the clerk will be in touch to organise the next steps
- Immediately contact the clerk to advise a complaint has been received
- Immediately contact the chair, unless the complaint is against the chair, in which case contact the vice chair
- Immediately contact the Area Governance Officer for advice if the complaint is against the whole governing board
- Having been collated by the clerk, print the hard copy documentation for the complaint meeting

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints administrator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher, or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher, or complaints committee if proceeding to Stage 2, will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Clerk to the Governing Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that the complainant is fully updated throughout the process.
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### Complaints Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If new evidence is presented (excluding new complaints which have not passed through Stage One of the complaints processes), it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

### Committee Members

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

The welfare of the child/young person is paramount.

### **Managing serial and unreasonable complaints**

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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, 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 complaint investigation process
- refuses to accept that certain issues are not within the scope of the complaint procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered 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
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

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

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the School.



**Appendix A**



**Formal Complaint Form**

Please complete and return to the School Office C?O the Complaints Administrator, addressed to the recipient detailed in the policy and marked Private and Confidential.

The recipient will acknowledge receipt and explain the next steps in the process, in accordance with the complaints Policy.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:  Postcode:  Email address  Day time telephone number:  Evening telephone number:
Please give details of your complaint, detail who you have spoken to at the school to address you complaint.

What actions do you feel might resolve the problem?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

## How to Raise a Concern or a Complaint with the School

Many issues can be resolved quickly by speaking with your child's class teacher; they know your child and may be able to provide first-hand information.

Complaints regarding statutory processes cannot be raised using this procedure. These include, for example, admissions, School reorganisation proposals, statutory assessment of SEN (EHCP), exclusions, child protection concerns, staff grievances, staff conduct, whistleblowing, services provided by external providers, National Curriculum content, withdrawal from curriculum by families.

