Keswick School

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# SCHOOL COMPLAINTS (KSMAT/STAT/021)

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| **Committee Responsible:** | Directors of Keswick School Multi Academy Trust |
| **Lead Officer:** | Executive Principal |
| **Date of Review:** | December 2018 |
| **Date to be Reviewed:** | December 2020 |
| **Signed by Bassenthwaite LGB:**<br>**Date:** | |

# SCHOOL COMPLAINTS POLICY

## REVIEW SHEET

**The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date.**

| Version Number | Version Description | Date of Revision |
|---|---|---|
| 1 | Original | May 2013 |
| 2 | Policy review | June 2014 |
| 3 | Policy review | June 2017 |
| 4 | Policy review and up-date | December 2018 |
| | Insert regarding third party providers | |
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# SCHOOL COMPLAINTS POLICY

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# SCHOOL COMPLAINTS POLICY

## 1.0 INTRODUCTION

1.1 This procedure fulfils the requirements of the Education (Independent School Standards (England) Regulations 2010 Schedule 1, Part 7, and the national minimum standards for boarding schools under section 87C(1) of the Children Act 1989 as amended by the Care Standards Act 2000.

1.2 It sets out for parents and carers of pupils, a clear outline of the procedure for raising a concern; making a formal complaint; appealing to the Local Governing Body (LGB).

1.3 We will try to resolve every concern or complaint in a positive way and as soon as possible. This may involve reviewing our systems and procedures in the light of a concern or complaint.

1.4 This procedure does not apply to concerns, complaints or appeals in relation to the following:

- Admissions (KSMAT/STAT/ADM/005)
- Child Protection (KSMAT/STAT/040)
- Exclusions (Behaviour KSMAT/STAT/044)
- Health and Safety (KSMAT/FIN&BLDGS/013)
- SEN Assessment (undertaken by LA)
- Staff Discipline, Capability or Absence (KSMAT/STAT/011)
- Staff Grievance (KSMAT/PER/019)

1.5 If a concern, complaint or appeal is brought to the attention of the school that relates to any of these matters, the relevant procedure will be used.

1.6 The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.

1.7 Timescales for each stage of this policy are set out in the relevant paragraphs. For the purposes of this policy a "working day" is defined as a weekday during term time, when the school is open. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the School's website.

1.8 A flow diagram (Appendix 2) sets out the key stages of this procedure. This should be used as a guide only, not as a substitute for the detailed procedure that follows.

1.9 Whilst the school intends to adhere to the time constraints set out in this policy, exceptional or challenging circumstances may result in complaints being processed outside of these time limits.

1.10 In this policy the term ‘school’ is used to refer to any school which is part of Keswick School Multi Academy Trust (MAT).

1.11 In this policy where the term (Governor) is used this refers to any member of the LGB which is part of Keswick School MAT.

## 2.0 STAGE 1: CONCERNS

2.1 We expect that most concerns, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

2.2 Please raise the concern initially as follows:
2.2.1 Education issues – Head of Department / Deputy Head (Learning)
2.2.2 Pastoral care issues – Head of Year / Deputy Head (Pastoral)
2.2.3 Disciplinary matters – Assistant Head
2.2.4 Financial and administrative matters – Office Manager
2.2.5 School policy or practice – Headteacher
2.2.6 Boarding issues – Head of Lairthwaite House

2.3 Should a concern be raised with a member of staff other than those designated in 2.2.1 to 2.2.6, they must redirect it to the appropriate individual under this procedure.

2.4 Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned. We want to respond to concerns quickly but it may not always be possible to arrange an immediate meeting. Where a meeting has been arranged with a member of staff, a senior member of staff will also be present.

2.5 At the conclusion of a meeting regarding a concern the outcomes will be put in writing and sent to the complainant within 10 working days. Where a member of staff or volunteer (e.g. a governor) is the subject of the concern they will also receive a copy of the written response. The letter will explain that if the complainant remains dissatisfied they have 10 working days to request that their concern is dealt with formally as a complaint.

2.6 Concerns may be raised over a range of issues in Boarding. We are committed to working with our boarding students and parents as quickly as possible to resolve these matters. If a concern is raised about the Head of Lairthwaite House then in this instance it should be raised with the Headteacher of Keswick School.

2.7 The only record of a concern will be file notes and/or correspondence by the person dealing with the concern.

## 3.0 STAGE 2: FORMAL COMPLAINTS

3.1 If the complainant remains dissatisfied by the response to a concern or have a more serious complaint that needs investigating this must be set out in writing. This will state that a formal complaint is being made, give specific details and say what the school could do to put things right. This should be sent with all relevant documents for the attention of the Headteacher of the relevant school.

3.2 If the complaint is about:

- The Headteacher this should be sent with all relevant documents to the Executive Principal of Keswick School MAT.
- The Executive Principal of Keswick School MAT it should be referred to the LGB.
- A Governor it should be referred to the Directors of Keswick School MAT.
- A Director it should be referred to the Members of Keswick School MAT.

3.3 Complaints will be acknowledged by telephone or in writing normally within 5 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution. A copy of this procedure will also be provided to the complainant.

3.4 The Headteacher may ask a senior member of staff to act as "investigator". The investigator will offer an opportunity to meet the complainant within 10 working days to discuss the complaint and agree what will be investigated. The outcomes of this meeting should be confirmed in writing and signed by both the complainant and the investigator. A copy of the outcomes should be sent to the complainant within 10 working days of the meeting.

3.5 If the complainant is expecting to know that disciplinary action will be taken as a result of the complaint, or that a decision taken as part of another statutory process will be overturned, then the investigator should either make clear that this is not possible (as disciplinary procedures are confidential) and/or close the meeting and take advice to make sure that the right procedure is being used.

3.6 The investigation can include a review of written papers, interviews with the person against whom the complaint is made and any relevant witnesses. Interviews with children will only be undertaken by senior members of staff. Permission will normally need to be obtained from a pupils' parents for such interviews to take place.

3.7 The complainant is not normally entitled to see any written records, notes or minutes made by the investigator during the investigation, except notes of meetings where the complainant was present.

3.8 The investigation will usually be concluded within 15 working days dating from the meeting with the complainant (or from receipt of the complaint where no meeting has taken place). If there is a delay in concluding the investigation, a letter should be sent to the complainant explaining the reason for the delay and providing a revised date.

3.9 The Headteacher will send a written response to the complainant at the end of the investigation. The written response will explain briefly:

a) what the investigation entailed (but not details of what was said or written by witnesses);
b) whether the complaint has been upheld and, if it isn't, the main reasons for not upholding;
c) any action the school proposes to take to resolve the complaint where it is upheld (but not including any subsequent, specific actions against any individual);
d) any policy or procedure recommendations to be made to the LGB/Board of Directors in the light of the investigation (whether the complaint is upheld or not);
e) that there is a right to request a review panel hearing;
f) that a request for a review panel hearing must be made in writing within 10 working days;
g) that if a request for a review panel hearing is not exercised the matter is closed.

3.10 Where a member of staff or volunteer (e.g. a Governor/Director) is the subject of the complaint they will also receive a copy of the written response.

3.11 If an investigation concludes that a formal employment procedure should be instigated (such as a disciplinary procedure) the complainant will only receive a brief response as such procedures must remain confidential. In such cases there will be no right of appeal.

3.12 The Headteacher is responsible for keeping a log of all complaints received by or referred to them. The log should provide a brief written summary of the name of the complainant, the date the complaint was received, the matter complained of, and the manner and date of resolution. Written records will also be kept of any meetings and interviews held in relation to the complaint.

## 4.0 STAGE 3: REVIEW PANEL HEARING

4.1 If a complainant remains dissatisfied with the outcome of Stage 2 they may request a hearing by a review panel. This should be made in writing to the Clerk to the Governors within 10 working days of receiving a written response following an investigation. This must include copies of all relevant documents and state the grounds for the complaint and the outcome desired.

4.2 The Clerk to the Governors will acknowledge requests for a hearing in writing within 5 working days during term time and as soon as practicable during the holidays. This will:

a) notify the complainant of the date, time and place of the hearing (normally within 10 working days of receiving a request - the panel will not sit during school holidays);
b) explain the format of the hearing and brief details of the review panel members attending.;
c) inform the complainant of their right to submit any documents relevant to the complaint (but not material that would constitute an additional complaint) no later than 7 working days prior to the hearing;

4.3 The review panel will be composed of three members selected by the Clerk to the Governors. The review panel members will have no detailed previous knowledge of the case. Two members will be Governors and one member will be independent of the management and running of the school (i.e. not a member of Keswick School MAT.

4.4 The investigator will be invited to prepare a written report for submission to the review panel. All relevant correspondence and any additional written materials will be circulated to the review Panel no later than 5 working days before the date of the hearing. Any such material must not divulge confidential information relating to individual employees or children other than the complainant's.

4.5 A complainant may be accompanied by one other person. The Clerk to the Governors will also attend in order to keep a record of the proceedings.

4.6 The Chair of the review panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the review panel shall be under no obligation to hear evidence from witnesses but may do so and/or may take written statements into account.

4.7 The review panel will review all the evidence presented to them. Their remit is to consider:

a) whether the previous handling of the complaint was compliant;
b) whether the previous decision reached was justifiable;
c) whether to uphold or overturn the previous decision

4.8 The Chair of the review panel may at their discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

4.9 After due consideration the review panel will reach a decision. This will be confirmed in writing to the complainant, Headteacher, Chair of Governors (or Executive Principal), investigator of the complaint and any member of staff or volunteer who is the subject of the complaint within 10 working days of the hearing. The written response will summarise:

a) what evidence the review panel considered;
b) whether the previous decision regarding the complaint has been upheld and if not, the reasons for not upholding;
c) if the previous decision is not up-held the subsequent action that will be taken;
d) any policy or procedure recommendations to be made to the LGB/Board of Directors in the light of the hearing (whether the complaint is upheld or not);
e) that this concludes the school based complaints procedure.

4.10 The decision, findings and any recommendations will also be made available for inspection on the school premises by the LGB/Board of Directors.

4.11 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a hearing. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010. That is where access is requested by the Secretary of State or where disclosure is required in the course of an Ofsted inspection or under other legal authority.

4.12 In accordance with GDPR principles, details of complaints will normally be held for a period of 6 years (Records Management Policy (KSMAT/STA/020).

## 5.0 UNREASONABLY PERSISTENT, ABUSIVE OR HARASSING COMPLAINTS AND VEXATIOUS COMPLAINTS

5.1 Keswick School MAT expects anyone who wishes to raise problems with the school to:

a) treat all staff with courtesy and respect;
b) respect the needs of pupils and staff within the school;
c) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;
d) recognise that some problems may not be resolved in a short time;
e) follow this complaints policy.

5.2 Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action to ensure that the school can continue its work safely and securely.

5.3 In cases of unreasonably persistent complaints or harassment, the school may take the following steps:

a) inform the complainant that their behaviour is considered by the school to be unreasonable or unacceptable, and request a changed approach;
b) require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
c) inform the complainant that, except in emergencies, the school will respond only to written communication.

d) Refuse to consider the complaint if it is deemed to be abusive, unreasonably persistent or vexatious.

5.4 The school will not tolerate any form of physical or verbal aggression against school staff. If staff are subject to this type of aggression the school may:

a) ban the individual from entering the school site, with immediate effect;
b) request an Anti-Social Behaviour Order (ASBO);
c) prosecuted under Anti-Harassment legislation.

**Appendix 1**

# EXPLANATORY NOTES FOR STAFF AND GOVERNORS

**Child Protection**

1) If a complaint is received against a member of staff that amounts to an allegation of child abuse, the advice of the Local Authority Designated Officer (LADO) will be immediately sought.

**Which Procedure?**

2) The school will always try to resolve concerns at the earliest possible stage, but will not prolong the use of an informal approach in order to delay or avoid a formal investigation. It reserves the right to use the formal complaints procedure to deal with a concern, if this will resolve matters more speedily.

3) The school will not normally investigate anonymous complaints, but may retain and review any written material submitted anonymously for future reference and to ensure any warning signs are considered that will secure the safety of pupils and staff.

4) Complainants may not determine how a complaint will be investigated. Where a statutory procedure does not have to be followed, the school will use the relevant procedure most recently adopted by Keswick School MAT. Any variation to the procedure by the school should be agreed with the complainant in advance.

5) Complaints about governors will be handled by the Chair of the LGB or the Clerk to the Governors using either this procedure, or by referring to guidance set out in 'A Guide to the Law for School Governors'.

6) If the complainant has raised concerns about racist or homophobic incidents, staff should ask the complainant if they wish to record any hate crimes through the Cumbria County Council's Prejudicial Incident reporting system.

**Confidentiality/Records/Communication**

7) A complaint received by any member of the LGB will not be referred to other members of the LGB nor taken to a LGB meeting.

8) Governors will advise any such complainant of the school's procedure and refer them either to the Headteacher, Chair of LGB, the Executive Principal or the Chair of Directors (as required).

9) Complainants will be advised that they may harm the fair hearing of their complaint if they write to all members of the LGB.

10) All correspondence will use the school address. All letters from the LGB/Board of Directors will be signed from and by the Clerk to the Governors/Directors even where it is the Chair of Governors/Directors or other member of the LGB/Directors that is the investigator or the chair of a hearing.

11) As part of its process of self-evaluation, the LGB will monitor records to review the effectiveness of the procedure and how the process of resolving concerns can contribute to school improvement.

**Appendix 2**

## Concerns

Concern raised

↓

Meeting between complainant and individual concerned

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Written outcome of meeting within 10 working days

↓

Not Resolved

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## Formal Complaint

Outline formal complaint in writing within 10 working days

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Complaint acknowledged within 5 working days of receipt

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Not Resolved

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Meeting within 10 working days. Written outcome of meeting sent to complainant

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Investigation conducted and concluded within 15 working days of the meeting

↓

A written response will be sent confirming the outcome of the process

↓

Not Resolved

↓

## Review Panel Hearing

Grounds of complaint, including desired outcome submitted in writing within 10 working days

↓

Written acknowledgement within 5 working days

↓

Review Panel to meet within 10 working days

↓

Review Panel to submit written response within 10 working days of hearing

**Appendix 3**

**Visitors and Hirers of Facilities at Keswick School**

Keswick School MAT aims to provide an excellent service. To do this we want to hear from you when we do well and also when we don't meet your expectations.

**Compliments**

Staff are always pleased to hear if their support has been appreciated. You can pass on your compliments in any of the following ways:

- Fill in a comment card - available at reception
- Write to the department direct at the school address
- Write to the Headteacher, at the school address
- Email the school

**Complaints**

Despite our best efforts, there are occasions when you might wish to complain.
If you are currently visiting the school and you have a concern, the first step is to tell the person you are visiting. If you are currently using facilities at the school and you have a concern, the first step is to tell the premises manager.

They will immediately look into your issue and make every effort to put things right, offer you an explanation or put you in touch with the person who is responsible for that aspect of the school.

If they are not able to resolve your complaint satisfactorily, you can contact the Headteacher and ask for a formal investigation into your concerns.

**How to contact us**

You can contact us by phone, by email or by letter. After this, we will get in touch to advise you on how we will investigate your complaint.

It helps everyone if a complaint is made as soon as possible so we can look to resolve any issues swiftly.