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SCHOOL COMPLAINTS (KSMAT/STAT/021)

Committee Responsible:	Directors of Keswick School Multi Academy Trust
Lead Officer:	Executive Principal
Date of Review:	December 2022
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Signed:	D Hammond
Date:	07/12/22

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
5	Policy review and up-date in accordance to guidelines updated by the DfE	December 2020
6	Policy review	December 2022

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SCHOOL COMPLAINTS POLICY

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1.0 WHO CAN MAKE A COMPLAINT?

1.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Keswick School MAT 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.

2.0 THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

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

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

2.3 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. Keswick School MAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

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

3.0 HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

3.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

3.2 Complaints against school staff (except the head teacher) should be made in the first instance the Headteacher via the school office. Please mark them as Private and Confidential.

3.3 Complaints that involve or are about the head teacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

3.4 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

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3.5 Complaints about the Chief Executive Officer or a trustee of the Trust, should be addressed to Mr Steven Throp Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

3.5 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation, for example Citizens Advice, to help you.

3.6 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.

4.0 ANONYMOUS COMPLAINTS

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

5.0 SPECIAL EDUCATIONAL NEED COMPLAINT

5.1 If a complaint arises due to a special educational need, the first contact should be with the school Special Educational Needs and Disabilities Co-ordinator or Head of Learning Support. If the issue cannot be resolved at this stage, the school's Complaints Policy should be followed.

6.0 TIMESCALES

6.1 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 consider complaints made outside of this time frame if exceptional circumstances apply.

7.0 COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

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

8.0 SCOPE OF THE COMPLAINTS PROCEDURE

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

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Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process. Admissions Policy (KSMAT/STAT/005).
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>Child Protection and Safeguarding Policy (KSMAT/STAT/040)</p> <p>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).</p> <p>Post: LADO, Cumbria Safeguarding Hub, Skirsgill Depot, Penrith, Cumbria, CA10 2BQ.</p> <p>Phone: 03003 033892, email LADO@cumbria.gov.uk</p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p>Behaviour Policy (KSMAT/STAT/044)</p>
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 whistle-blowers in education who do not want to raise matters direct with their employer. 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>Whistleblowing Policy (KS/PER/012)</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
Special Educational Needs	<p>If you have concerns about an Education, Health and Care (EHC) plan or about a CCC decision to not issue an EHC plan, you can ask one of the CCC Co-ordinators to help.</p> <p>Find out more about the process at: https://www.cumbria.gov.uk/childrensservices/schoolsandlearning/ils/parentpartnership/educationhealthandcareplans.asp.</p> <p>If the issue requires mediation, CCC has appointed KIDS to help them resolve disputes. If after mediation you are still unhappy, you can go to the</p>

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	<p>First-tier Tribunal (Special Educational Needs and Disability) within 2 months of the plan being issued or within 1 month of the date of a mediation certificate to ask for these concerns to be addressed. Find out more about the SEND National Trial here: https://localoffer.cumbria.gov.uk/kb5/cumbria/fsd/advice.page?id=eUC2-iAcZ5E.</p> <p>For the appropriate forms and to find out more about the Tribunal process, go to: https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability, or contact them via: First-tier Tribunal (Special Educational Needs and Disability) General enquiries, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU. Email: send@justice.gov.uk, Telephone: 01325 289 350</p>
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- 8.2 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 this happens, we will inform you of a proposed new timescale.
- 8.3 If a complainant commences legal action against Keswick School MAT in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

9.0 RESOLVING COMPLAINTS

- 9.1 At each stage in the procedure, Keswick School MAT 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.

10.0 WITHDRAWAL OF A COMPLAINT

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

11.0 STAGE 1 – INFORMAL COMPLAINTS

- 11.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 11.2 Concerns should be raised with either the class teacher, year head / subject head or head teacher.
- 11.3 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

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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.

11.4 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 3 of the procedure.

11.5 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.

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

12.0 STAGE 2 - FORMAL COMPLAINTS

12.1 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 (preferably on the complaint form). 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 (unless the complaint is about the Headteacher).

12.2 Complaints will be acknowledged by telephone or in writing normally within 5 school 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.

12.3 The Headteacher may ask a senior member of staff to act as “investigator” (or a member of the Governing Body for complaints against the Headteacher). The investigator will offer an opportunity to meet the complainant within 10 school days to discuss the complaint and agree what will be investigated.

12.4 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.

12.5 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 and not by governors. Permission will normally need to be obtained from pupils’ parents for such interviews to take place.

12.6 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.

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12.7 The investigation will usually be concluded within 15 school 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.

12.8 The Headteacher (or the Executive Principal if the complaint is about 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 school days;
- g) that if a request for a review panel hearing is not exercised the matter is closed.

12.9 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.

12.10 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.

12.12 If the complaint is about:

- The Headteacher at Keswick School should be sent with all relevant documents to the Chair of the Local Governing Body.
- The Executive Principal, Director or Governor of Keswick School MAT should be referred to the Chair of the MAT Board of Directors.
- A Chair of the MAT Board of Directors should be referred to the Vice Chair of the MAT Board of Directors.

13.0 STAGE 3 – PANEL HEARING

13.1 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.

13.2 The Clerk to the Governors will acknowledge requests for a hearing in writing within 5 school 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 school 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 5 school days prior to the hearing;

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- 13.3 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.
- 13.4 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 school Governors and one member will be independent of the management and running of the school (i.e. not a member of the Trust).
- 13.5 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 school 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.
- 13.6 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.
- 13.7 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.
- 13.8 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. Complaints about staff conduct will not be handled under this complaints procedure. Complaints will be advised that any staff conduct complaints will be considered under disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- 13.9 Representatives from the media are not permitted to attend.
- 13.10 The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the consent of all parties being recorded.
- 13.11 The meeting will be held in private. 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 must be sought before meetings or conversations take place.
- 13.12 Consent will be recorded in any minutes taken.
- 13.13 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
- 13.14 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.

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

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

13.16 The letter to the complainant will include details of how to contact the Department for Education and/or Ofsted if they are dissatisfied with the way their complaint has been handled by Keswick School.

13.17 The decision, findings and any recommendations will also be made available for inspection on the school premises by the Governing Body.

13.18 A written record will be kept of all complaints, and of whether they are resolved at the formal stage or proceed to a panel 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 2014. That is where access is requested by the Secretary of State or where disclosure is required in the course of a school's Ofsted inspection or under other legal authority.

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

14.0 COMPLAINTS ESCALATED TO/ABOUT THE TRUST, EXECUTIVE PRINCIPAL OR TRUSTEE

14.1 If a complaint is escalated to Keswick School Multi Academy Trust “the trust” (see paragraph 12.12) or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the Clerk to the MAT Directors to be investigated.

14.2 The Clerk to the MAT Directors will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

14.3 If the complaint concerns the Executive Principal or a Director, the complaint should be investigated by the Chair of the Board of MAT Directors. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

14.4 Following the investigation, the Chair of the MAT Board of Directors will write to the complainant confirming the outcome within 10 school days of the date that the letter was received. If this time limit cannot be met, the Chair of the MAT Board of Directors will write to

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the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

- 14.5 If the complaint concerns the Executive Principal or a Trustee, the complaint should be investigated by the Chair of the MAT Board of Directors. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation
- 14.6 Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Executive Principal.
- 14.7 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 10 school days.
- 14.8 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.
- 14.9 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 14.10 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the panel hearing request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 14.11 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.
- 14.12 A completely independent committee panel will hear the complaint about:
- jointly about the Chair and Vice Chair of the MAT Board of Directors or
 - the entire trust board or
 - the majority of the trust board
- 14.13 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 14.14 One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.
- 14.15 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.
- 14.16 For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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- 14.17 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.
- 14.18 Representatives from the media are not permitted to attend.
- 14.19 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 **complaint panel** at least 5 school days before the meeting.
- 14.20 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The **complaint panel** will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 14.19 The **complaint panel** will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.
- 14.20 The meeting will be held in private. 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.
- 14.21 The **complaint panel** will consider the complaint and all the evidence presented. The **complaint panel** can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.
- 14.22 If the complaint is upheld in whole or in part, the **complaint panel** 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.
- 14.23 The Chair of the **complaint panel** will provide the complainant and Keswick School MAT with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. 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 Keswick School MAT will take to resolve the complaint.
- 14.24 The letter to the complainant will include details of how to contact the **Department for Education and/or Ofsted** if they are dissatisfied with the way their complaint has been handled by Keswick School.
- 14.25 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

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14.26 A written record will be kept of all complaints, and of whether they are resolved at the formal stage or proceed to a panel hearing.

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

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

15.0 UNREASONABLY PERSISTENT, ABUSIVE OR HARASSING COMPLAINTS AND VEXATIOUS COMPLAINTS

15.1 The school 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 the school's complaints procedure.

15.2 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.

15.3 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.

15.4 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.

16.0 NEXT STEPS

16.1 Complaining to the Department for Education

16.1.1 If you believe the academy did not handle your complaint in accordance with the published complaints procedure or we acted unlawfully or unreasonably in the exercise of our duties under education law, you can contact the Department for Education after we have completed Stage Two.

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16.1.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by a school. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint. For more information visit [Complain about a school: State schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complain-about-a-school-state-schools).

16.1.3 You can refer your complaint to the Department for Education online at: [Contact the Department for Education - Contact type - DFE Online Forms](#), by telephone on: 0370 000 2288 or by writing to:

Ministerial and Public Communications Division | Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

16.2 **Complaining to Ofsted**

16.2.1 The only role Ofsted have in considering a complaint about a school, is solely to determine if there is a need to inspect. Ofsted cannot seek to resolve or establish cause for any individual complaint.

16.2.2 If your concern affects the academy as a whole and you have followed the complaints procedure right to the end, Ofsted have powers to consider some complaints made in writing about schools. They provide an [online form](#) for this.

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Complaint Form

Please complete and return to either the Head teacher or Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

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

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What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

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Roles and Responsibilities

Complainant

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

- 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.

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 co-ordinator 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, Executive Principal, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

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Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the **panel** and should:

- 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 **panel**'s decision.

Panel Chair

The **panel**'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 a new issue arises 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 **panel** is open-minded and acts independently
- no member of the **panel** 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 (and complaints co-ordinator, if the school has one).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor / trustee may sit on the **panel** 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

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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 **panel** 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 **panel** 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 **panel** 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 **panel** considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

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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?

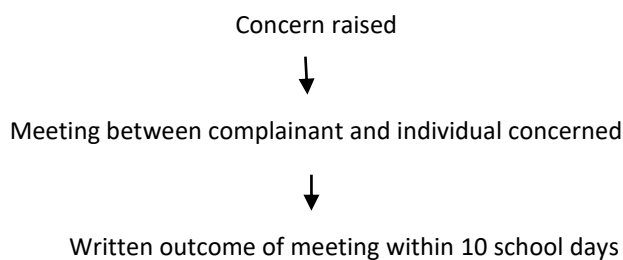
- 2) The school will always try to resolve concerns at the earliest possible stage, but will not prolong the use of an informal approach in order to delay or avoid a formal investigation. It reserves the right to use the formal complaints procedure to deal with a concern, if this will resolve matters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

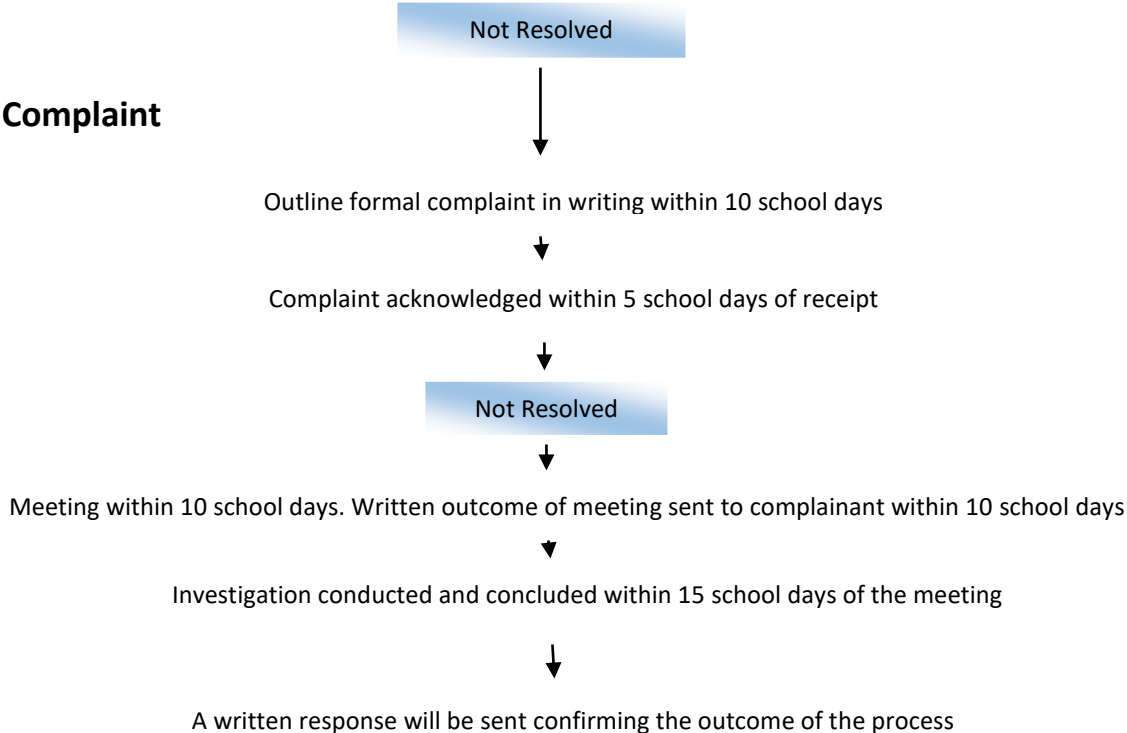
- 7) A complaint received by any member of the LGB or Board of directors will not be referred to other members of the LGB nor taken to a LGB meeting.
- 8) Governors/Directors will advise any such complainant of the school's procedure and refer them either to the Headteacher, Executive Principal, Chair of LGB 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/MAT Board of Directors.
- 10) All correspondence will use the school address. All letters from the LGB/MAT 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/MAT Board of Directors that is the investigator or the chair of a hearing.
- 11) As part of its process of self-evaluation, the LGB/MAT Board of Directors will monitor records to review the effectiveness of the procedure and how the process of resolving concerns can contribute to school improvement.

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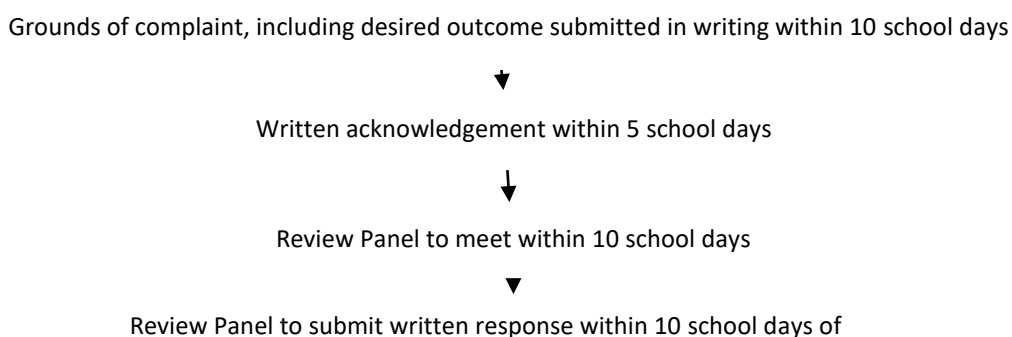
Concerns



Formal Complaint



Review Panel Hearing



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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.

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Example Panel Hearing Format

Section	What will happen	Who
Welcome	<p>Introductions including clarification of roles e.g. <i>Complainant</i> being the person making the complaint, <i>Respondent</i> being the person who responded to the formal complaint, <i>Chair</i> being the chairperson of the Panel Hearing and the person who will direct it etc.</p> <p>Clarification of Panel Hearing purpose and complaint lodged</p> <p>Panel Hearing expectations: to be as informal and relaxed as possible, non-confrontational, request breaks if needed etc.</p> <p>Whether everyone has had sight of and is happy with the running order</p>	Chair of Panel
Presentations	<p>Complainant presents a summary of their complaint highlighting the points made in their Complaint Form and referencing their supporting evidence.</p> <p>Witnesses are called into the Hearing and leave as and when required to support or evidence the Complainant's summary.</p> <p>The Panel may question the complainant or witnesses at any time to clarify the points they make if necessary.</p>	Complainant
	<p>Respondent presents the facts as s/he perceives them, highlighting points made in the written response to the formal complaint and other supporting evidence.</p> <p>Witnesses are called into the Hearing and leave as and when required to support or evidence the Respondent's summary.</p> <p>The Panel may question the Respondent or witnesses at any time to clarify the points they make if necessary.</p>	Respondent
Summaries	<p>Complainant summarises their case highlighting evidence including anything that has emerged in the questioning.</p>	Complainant
	<p>Respondent summarises their case highlighting evidence including the response and actions in relation to the complaint before the Hearing and anything that has emerged in the questioning.</p>	Respondent
Close	<p>Panel Chair thanks the Complainant and Respondent for attending and explains what will happen next.</p> <p>Complainant and Respondent leave the Hearing.</p>	Chair of Panel
Decision	<p>Panel considers all the evidence and comes to its conclusion.</p>	Panel

Witnesses will only attend the part of the Panel Hearing in which they give their evidence.

The Panel may ask questions at any point or adjourn the hearing.

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