



# Kirkbie Kendal School Academy Trust

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1.1	4.11.20	Updates to reflect July 2020 guidance. Managing 'group' complaints Contact address changes
1.2		
1.3		
1.4		

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**"Kirkbie Kendal School promotes the safeguarding and welfare of children in its care; all policies support the Child Protection Policy."**

# KIRKBIE KENDAL SCHOOL ACADEMY TRUST

## SCHOOL COMPLAINTS PROCEDURE

### INTRODUCTION

This procedure meets the standards set out in the Education (Independent School Standards) Regulations 2014 Schedule 1 Part 7 and is informed by the education funding agency guidance 'Best practice guidance for academies complaints procedures Updated 16 July 2020'

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures>

The majority of decisions about the day to day operation of schools are the responsibility of the Headteacher and ultimately the Governing Body. This procedure is concerned with complaints in this area.

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
- Exclusions - further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).
- Statementing for children with special educational needs

Similarly, it should not be used for dealing with complaints relating to:

- Child protection - 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
- Staff conduct - complaints about staff will be dealt with under the school's internal disciplinary or grievance 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.

If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

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. They have their own complaints procedures.

Additional information available for parents:

- Annex 1: Proforma of letter of complaint
- Annex 2: Proforma of letter of appeal
- Annex 3: Policy on unreasonably persistent, harassing or abusive complainants

Additional Guidance for staff and governors:

- Annex 4: Flow diagram / timeline
- Annex 5: Explanatory notes for staff and governors
- Annex 6: Complaints procedure: instructions for staff and governors

The School's Governing Body has an overall responsibility to be satisfied that concerns and complaints are properly examined. In making a complaint or expressing a concern, where possible the first contact should be with the person who is the subject of the complaint or the concern. Parents will harm the fair hearing of their complaint if they write to all members of the Governing Body.

## **KIRKIE KENDAL SCHOOL GENERAL COMPLAINTS PROCEDURE**

We very much hope that you and your child will be very happy at our school, and that any concerns that may arise are dealt with swiftly by our staff.

We recognise, however, that there may be an occasion when you are not entirely happy with an aspect of the service that we provide, and that you want the school to deal with your concern through a more formal process. This leaflet sets out what the school will do if you wish to raise that concern informally, or make a formal complaint.

### **Who can raise a concern or make a complaint?**

Anyone who uses the school, whether a pupil, a parent or carer, or a provider of a service to the school, or a visitor can use this procedure. If you wish to raise a concern or complain on someone's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves (for example, they are too young or they have a disability that prevents them from complaining on their own behalf). The school will not normally investigate anonymous complaints.

### **How will my concern be handled?**

Our procedure has three stages:

1. Responding to a concern
2. Investigating a complaint
3. An appeal to the Governing Body

At any point in the handling of your complaint, there is the possibility of a 'resolution' meeting. The school will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Governance Professional (previously known as Clerk to the Governing Body).

We expect concerns and complaints to be brought to school in a reasonable time, as soon as possible and certainly within 3 months of the date of the incident. Complaints notified to school after three months from the date of any incident will usually be ruled 'out of time', unless there are exceptional circumstances. The school may escalate a concern to a complaint in order to speed up the resolution of the issue.

If you report any of the concerns in the list below, we will need to refer to the table above, the local authority or other advisor to ensure the relevant statutory or local authority procedure is used.

- The admission of your child
- The exclusion of your child
- Local authority processes for assessing children with special educational needs
- Allegations against staff of child abuse or other disciplinary matters.

### **1. Responding to concerns**

If your concern is about something that a person has or has not done, for example a member of staff, the Headteacher, a governor, or a volunteer, you should make an arrangement through the school office to speak to that person or their manager (and not approach them while they are 'on duty'). If your concern is about an aspect of school practice or policy, you should contact the Headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. We can reassure you that most concerns are usually resolved at this stage.

If the matter is not resolved to your satisfaction by the staff you have contacted, then you should take your concern to the Headteacher who will check what actions have been taken and see if there is more that can be done to prevent a formal complaint.

## **2. Investigating complaints**

If you remain dissatisfied with the response after discussion with the Headteacher you can make your complaint formal by writing to the Headteacher, even if you have already discussed the concern (see annex 1). In all cases state that you are making a complaint, give specific details, say what you would like the school to do to put things right).

If your complaint is about the Headteacher or a member of the governing body you should put details of your concern in writing to the Chair of Governors via the school office who will arrange for it to be investigated. If your concern is about the Chair of Governors, write instead to the Governance Professional. State that you are making a formal complaint and request a copy of the school's complaints procedure.

All letters should be sent to the school address, marked 'Confidential: For immediate attention.'

The Headteacher or the Chair of Governors (or the Governance Professional) will ask a nominated person or governor to investigate and respond to you within a set timescale. They will:

- Contact you and arrange to discuss the complaint and confirm with you what will be investigated;
- Review any documents and meet with relevant staff and/or witnesses (though governors will not usually interview children)
- Consider seeking independent advice
- Write a response letter with a decision and explain how to make any appeal.

Please be aware that if your complaint alleges misconduct by a member of staff, the school must use a separate procedure which is confidential to the employer and employee. You will not be given any details of the outcome and the right of appeal does not apply.

Investigations should be concluded within no longer than 20 school days from the discussion with the complainant. Outcome letters should take no longer than 10 school days. If there is likely to be a delay the investigator should contact you again to explain why and indicate a new timescale

Please be aware that the school and ESFA will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

## **3. Appeal to the Governing Body**

If you remain dissatisfied with the outcome of the investigation you may appeal to the Governing Body, you should write to the Governance Professional (see Annex 2). Parents will harm the fair hearing of their complaint if they write to all members of the Governing Body. A Complaint Appeal Panel will consist of three persons appointed by or on behalf of the Governing Body by the Governance Professional. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Governors. The third Complaint Panel member will be independent of the management and running of the Academy, i.e. they will not be a member of staff or a governor, and will not be linked to the Academy in another way, for example as a parent of a student at the Academy.

After this review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed.

The appeal process should take no longer than 20 school days from the date of the letter of appeal. School days are Monday to Friday during term-time.

### **Attendance at an appeal**

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel

Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the Academy to be legally represented.

The Academy will be represented at the Complaint Panel Hearing by the person who dealt with the complaint at the formal stage, which will usually be the Headteacher or the Chair of Governors.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Governance Professional.

### **Resolution Meeting**

You may at any time contact the school and ask for a resolution meeting (and the school may offer a resolution meeting at any time) which means the formal investigation and appeal procedure can be suspended and a meeting held to resolve matters informally, usually within 5 school days of the request or offer being made. Should the resolution meeting fail to resolve the complaint, the investigation or appeal will be resumed.

### **Unreasonably persistent, abusive or harassing complainants and vexatious complaints**

A persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner or insist on pursuing unjustified complaints and/or unrealistic outcomes.

The school expects anyone who wishes to raise problems with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;

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

A separate leaflet (Annex 3) details our policy on this aspect of complaints.

### **Complaint Campaigns**

Should the school ever become the focus of a campaign:

- all based on the same subject
- and/or from complainants unconnected with the school

we will send a template response to complainants. We may use the website to respond to a campaign.

### **Further Information**

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. They have their own complaints procedures. The school will, however, liaise with such providers as appropriate.

For any complaint about the following, please contact the local authority on 0800 121 8800 for advice and information.

- an appeal against a decision relating to the admission or exclusion of a child
- an appeal against a local authority decision about a child's special educational needs.
- an allegation of child abuse or other criminal offence

## **The Education Schools Funding Agency (ESFA)**

The following referral included for the information of the school and complainant. They do not form part of the Governing Body's own complaints procedure and should not be regarded as further appeal stage.

### **Referral to the Education Funding Agency (EFA)**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3 (Appeal to governing body).

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by <Academy Name>. They will consider whether <Academy Name> has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

THIS DOCUMENT IS AVAILABLE IN THE FOLLOWING FORMATS: PAPER, ENLARGED PRINT/EMAIL/WEBSITE

## ANNEX 1 – Example of an initial complaint letter

**Please include your name, address telephone and mobile number**

The Headteacher  
Kirkbie Kendal School  
Lound Road  
Kendal  
Cumbria  
LA9 7EQ

Date:

Dear Headteacher

I wish to submit a complaint to Kirkbie Kendal School for consideration under the Governing Body's formal complaints procedures. I have been supplied with a copy of the document which sets out these procedures.

The grounds for my complaint are as follows:

*(Please outline what it is you wish to complain about). Please give specific details*

I have taken the following action to try to resolve this complaint at an informal level:

*(Please describe the action you have taken to date, including discussions you have had with teachers or the Headteacher of the School).*

Please say what you would like the school to do to put things right.

I wish/do not wish to meet with 'the investigator' to explain further the grounds for my complaint.

Yours sincerely

## **ANNEX 2 – Example of an appeal against the outcome of a complaint investigation**

**Please include your name, address telephone and mobile number**

The Governance Professional  
Kirkbie Kendal School  
Lound Road  
Kendal  
Cumbria  
LA9 7EQ

Dear Governance Professional

I wish to request a meeting of the Complaint Appeal Panel to consider an appeal review against the outcome of an investigation under the Governing Body's formal complaints procedures. I have considered the investigators report received on \_\_\_\_\_.

The grounds for my appeal are as follows:

*(Please outline what it is you wish to appeal against).*

Yours sincerely

## **ANNEX 3 POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS**

The Headteacher and Governing Body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

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

KKS defines unreasonable complainants as “those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints”.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 complaints procedure has been fully and properly implemented and completed including referral to the Education Funding Agency;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;

- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with school while a 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 designating it as “unreasonable”.

### **What can you expect from the school?**

Anyone who raises informal or formal concerns and complaints with the school can expect us to:

- keep in touch regularly in writing over how and when problems can be raised with the school details of the school’s complaints procedure details of the school’s Unreasonably Persistent Complaints/Harassment Policy.
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school’s complaints procedure and advice from Cumbria County Council or diocesan authority;
- keep those involved informed of progress.

This appendix forms part of the school’s complaints procedure, available on request from the school office.

### **What the school expects of you**

The school expects anyone who wishes to raise concerns with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the school’s complaints procedure.

### **Schools’ responses to unreasonably persistent complaints or harassment**

This policy sets out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- 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;
- inform the complainant that, except in emergencies, the school will respond only to written communication.

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

### **Physical or verbal aggression**

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:

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

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

ANNEX 4 TIMESCALES FOR COMPLAINTS PROCEDURES

