



## Complaints Policy

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**“Kirkbie Kendal School promotes the safeguarding and welfare of children in its care; all policies support the Child Protection 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 (if any).

<u>Version</u>	<u>Date</u>	<u>Description</u>
1.1	04.11.20	Updates to reflect July 2020 guidance. Managing group' complaints. Contact address changes
1.2	SLT 10.10.22 Curric 07.11.22	More informative introduction, more detailed appeal procedures, amended to include whistleblowing or withdrawal of student, mothballing separate parent policy. Website version will not include Annex 5 or 6
1.3	SLT 02.10.23 Curric 18.10.23	Minor changes
1.4	SLT 23.09.24 Curric 02.10.24	Malicious complaints and complaints against Head and governors added
1.5	SLT 01.09.25 Curric 01.10.25	No Changes

# KIRKBIE KENDAL SCHOOL ACADEMY TRUST

## SCHOOL COMPLAINTS PROCEDURE

### INTRODUCTION

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.

However, we recognise 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 procedure sets out what the school will do if you wish to raise that concern informally, or make a formal complaint.

This procedure meets the standards set out in the Education (Independent School Standards) Regulations 2014 Schedule 1 Part 7 and is informed by the ESFA '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.
- Suspensions and Exclusions.
- Statutory assessment of special educational needs
- Safeguarding matters
  
- 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.
- Withdrawal from the curriculum (parents/carers can withdraw their child from aspects of Religious Education)
- Whistleblowing

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

Additional Guidance for staff and governors:

- Annex 3: Flow diagram / timeline
- Annex 4: Explanatory notes for staff and governors
- Annex 5: Complaint's procedure: instructions for staff and governors

The School's Governing Body has an overall responsibility to be satisfied that all 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.

## **KIRKBIE 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 procedure 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 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.

### **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.

## 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 Clerk to the Governing Body. 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 (previously known as Clerk to the Governors)) 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.

## 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 clerk to the Governing Body (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.

The panel will have access to the investigation report and all other records relating to the complaint.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the appeal letter, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties. Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

### **The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform you of the decision in writing within 10 school days of the appeal date. This will include informing you that the school's procedure has been exhausted and that the matter is now closed.

### **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. 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the meeting, each individual will have the opportunity to give statements and present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered. The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the headteacher.

## 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 complainants

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 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
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

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

## **Steps we will take**

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

## **Serial/persistent complaints**

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

## **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **Complaints against the headteacher, a governor or the governing board**

#### **Stage 1: informal**

Complaints made against the headteacher or any individual member of the governing board (including the chair or vice-chair) should be directed to the clerk of the governing board in the first instance.

A suitably skilled and impartial governor will then carry out the steps at stage 1 set out in above.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Complaints about the whole governing board will be resolved at stage 2 below.

#### **How to escalate a complaint**

Complaints can be escalated by contacting the clerk to the governing board by letter or email.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

#### **Stage 2: formal**

Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office, marked as private and confidential.

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governing board via the school office, marked as private and confidential.

Formal complaints can be raised by letter or email.

If the complaint is about the headteacher or an individual governor, a suitably skilled and impartial governor will then carry out the steps at stage 2 set out above.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

An independent investigator will carry out the steps in stage 2 set out above. They will be appointed by the governing board, and will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 school days.

### **Stage 3: review panel**

If the complaint is about the headteacher or an individual governor, the steps outlined in stage 3 above will be followed.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board, or
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools and the local authority and will carry out the steps at stage 3 above.

### **Record keeping and confidentiality**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our policies.

### **Learning lessons**

The governing board will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **Monitoring arrangements**

The governing board will track the number and nature of complaints, and review underlying issues as stated above.

### **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.

### **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 Kirkbie Kendal School . They will consider whether Kirkbie Kendal School 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 letter detailing the outcome of the investigation received on \_\_\_\_\_.

The grounds for my appeal are as follows:

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

Yours sincerely

### ANNEX 3 TIMESCALES FOR COMPLAINTS PROCEDURES

