



THE ARCHBISHOP'S SCHOOL
CANTERBURY

Complaints Policy and Procedure

January 2021

Revised: January 2021

Date of next review: January 2022

Authorised by: Mr D. Elliott

Governing Body Ratified

Enter to Learn: Go Forth to Serve

Our Vision

‘Together with God, we enable all to flourish and fulfil their potential. Within our inclusive and aspirational learning community, we nurture creativity and inspire minds to be ready for the next step.

Following the example of Jesus, we forgive, act wisely and treat all with dignity and respect, preparing our hearts and minds to be generous and compassionate pilgrims in the world.’

How is this policy a reflection of our vision?

While we seek to establish a peaceful, harmonious community and learning environment, we acknowledge that disagreement and dissatisfaction can arise. In resolving disagreement or conflict, we seek to act wisely by creating a clear framework and process for managing concerns and complaints. By implementing this policy, we will strive to treat all with dignity and respect, to forgive and encourage a forgiving attitude in resolving problems.

1 Executive Summary

1.1 How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing, by telephone or email via the School Office:

The Archbishop's School, St Stephen's Hill, Canterbury, Kent, CT2 7AP
01227 765805
admin@archbishops.kent.sch.uk

Please address correspondence to the Head Teacher and mark as 'Private and Confidential'.

Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complainants should not approach individual Governors to raise concerns or complaints. Governors do not have power to act on an individual basis and inappropriate correspondence may prevent them from considering complaints at a later stage of the procedure.

Complaints against school staff (except the Head Teacher) should be made to the Head Teacher via the School Office as above.

Complaints that involve or are about the Head Teacher should be addressed to the Chair of Governors via the Clerk to the Governing Body at the above address or by email: jcoombersewell@archbishops.kent.sch.uk. Please mark as Private and Confidential.

Complaints about the Chair, any individual Governor or the whole Governing Body, should be addressed to the Clerk to the Governing Body as above.

For ease of use, a template complaint form is included at the end of this procedure (Appendix 1).

1.2 Outline of the Complaints Process

The complaints procedure is detailed in this document. In summary it consists of up to three stages

- Informal Stage: initially, complaints and concerns will be dealt with informally through a meeting or phone call with the relevant member of staff, the Deputy Head Teacher or the Head Teacher.
- Formal Stage 1: if complaints cannot be resolved at the Informal Stage, they will be escalated and managed more formally. At Stage 1, an investigation will be conducted and findings presented, usually through a meeting with the Deputy Head Teacher or the Head Teacher
- Formal Stage 2: if resolution is not achieved at Stage 1, a complaint can be escalated to Stage 2 where it will be heard by a convened panel of School Governors.

Following the school process outlined above, complainants have recourse to the Schools Complaints Unit, as detailed in Section 3.5 below.

Complaints against the Head Teacher, any individual Governor, including the Chair of Governors or the whole Governing Body will be managed in line with the main procedure, with some variations as detailed in Section 4 below.

2 Definition and scope

2.1 Definitions (concerns/complaints)

A concern may be defined as:

‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’

A complaint may be defined as:

‘an expression of dissatisfaction however made, about actions taken or a lack of action’

(* Department for Education definitions)

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. The Archbishop’s School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. 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 that member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to an alternative staff member. This person may be more senior but does not have to be; the ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, The Archbishop’s School will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

2.2 Scope

This Policy covers all complaints relating to The Archbishop’s School, other than complaints that are dealt with under other statutory procedures, including those listed below:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

2.3 Who can make a complaint

Any person, including members of the public, may make a complaint to The Archbishop’s School; this policy is not limited to parents or carers of students.

2.3.1 Parents/carers of students with Special Educational Needs

Treatment of complaints from parents/carers of students with special educational needs concerning the provision made at the school is addressed in the Special Educational Needs and Disability Policy.

2.3.2 Anonymous complaints

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.

2.4 Legislation and guidance

This Complaints Policy and Procedure meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaint.

2.5 Links with other policies

This Policy cover all aspects of the work of The Archbishop's School and its provision of any community facilities. Policies dealing with other forms of complaint are listed at 2.2 above.

2.6 Monitoring

The Governing Body will monitor the effectiveness of the Complaints Procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues.

The Complaints Record will be logged and managed by the School Office.

This policy will be reviewed by the Head Teacher every year. At each review, the policy will be approved by the Full Governing Body.

3 The Complaints Procedure

3.1 Approach

3.1.1 Time scales

The complainant must raise the complaint within a reasonable time, no later than one month, of the incident or, where a series of associated incidents have occurred, within one month of the last of these incidents. We will consider complaints made outside this time frame if exceptional circumstances apply.

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

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

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 Policy.

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

3.1.2 Resolving complaints

At each stage of the procedure, The Archbishop's School will wish 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 of the decision;
- 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.

3.1.3 Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing or via email.

3.1.4 Record keeping

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 held centrally. It 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 record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the School will (where reasonably practicable) arrange for an independent panel to hear the complaint.

3.1.5 Learning lessons/implementing findings

The Governing Body will review any underlying issues raised by complaints with the Head Teacher, 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.

3.2 Complaints Procedure: Informal Stage

The School will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned, whether a member of staff or the Head Teacher. The School expects that the vast majority of concerns will be resolved at this stage.

Steps within the Informal Stage:

- The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher as appropriate. If the complainant is unclear who to contact or how to contact them, they should contact the School Office in person, in writing, by telephone or email (with correspondence addressed to the Head Teacher and marked 'Private and Confidential'):

The Archbishop's School, St Stephen's Hill, Canterbury, Kent, CT2 7AP
01227 765805
admin@archbishops.kent.sch.uk

- The School will acknowledge informal complaints within 5 school days and provide a full response with 15 school days.
- The conclusions of any meeting with the complainant will be put in writing and copied to the complainant within 10 school days of the meeting.

Potential Escalation

If the informal process has been exhausted and no satisfactory solution found, the complainant will be advised in writing within 10 school days by the member of staff dealing with the issue that, if he/she wishes, the complaint can be considered formally. The letter to the complainant will explain that they have 10 school days to request that their complaint is dealt with formally.

3.3 Complaints Procedure: Formal Stage 1

In most cases, if a formal complaint is received, the School will suggest following the Informal Stage, detailed above, in the first instance. If the Formal Stage 1 is initiated, it will involve an investigation, probably including interviews with the complainant and key personnel involved. If complainants need assistance raising a formal complaint, or require help at any stage of the Complaints Procedure, they should notify the School Office.

Steps within the Formal Stage 1:

- Once a complaint is escalated (or if a new complaint is taken straight to the Formal Stage 1), the date the complaint is received will be logged and acknowledgement of receipt of the complaint and this date made in writing (either by letter or email) to the complainant within 10 school days.

- The Head Teacher or Deputy Head Teacher will initiate an investigation, which may be delegated to another member of the School's Leadership Team. During the investigation, the investigator will:
 - Seek details from the complainant, such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The investigator will clarify what the complainant feels would resolve the complaint.
 - If necessary, interview those involved in the matter, including the complainant, those complained of and pertinent witnesses, allowing them to be accompanied if they wish;
(In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment)
 - Keep a written record of any meetings/interviews in relation to their investigation.

- At the conclusion of the investigation, the Head Teacher or Deputy Head Teacher will provide a formal written response to the complainant within 15 school days of the date of receipt of the complaint.
 - If the School is unable to meet this deadline, the Head Teacher or Deputy Head Teacher will provide the complainant with an update and revised response date.
 - 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.
 - The complainant would usually be offered a meeting with the Head Teacher or Deputy Head Teacher to discuss the complaint at this stage.

Potential Escalation

The Head Teacher or Deputy Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Governing Body in writing within 10 school days. Requests received outside of this time frame will be considered in exceptional circumstances. The Clerk can be contacted in writing, by telephone or email (with correspondence marked 'Private and Confidential'):

The Archbishop's School, St Stephen's Hill, Canterbury, Kent, CT2 7AP
01227 765805
jcoombersewell@archbishops.kent.sch.uk

The Clerk will require the details of the complaint as well as details on how the complainant feels the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The Clerk will acknowledge receipt of the request within 10 school days.

3.4 Complaints Procedure: Formal Stage 2

If the Formal Stage 2 is initiated, it will involve a Governor Panel who will review the steps taken in Formal Stage 1.

Steps within the Formal Stage 2:

- The Clerk will log and acknowledge with the complainant the date of receipt of the Stage 2 complaint within 10 school days (see “Potential escalation” above).
- The Clerk will convene a Governor Review Panel.

The Review Panel will consist of the first 3 members of the Governing Body available, who do not have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint’s progress. The Governors will select a Panel Chair from amongst themselves.

If not enough impartial Governors are available, the School will seek panel members from other schools, the Local Authority or the Diocese, ensuring potential panel members are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will have reasonable notice of the date of the Review Panel; however, the Review Panel reserves the right to convene at their convenience rather than that of the complainant. The Clerk will aim to find a date within 10 school days of the logging of the Stage 2 complaint where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the Clerk will set a date.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

- At the meeting

At the Review Panel meeting, the complainant and representatives from the School, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to attend the Review Panel hearing and be accompanied by a suitable companion if they wish. Attendance by legal representation is not encouraged, but will be considered on an individual basis (for example, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union representative).

Each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The Review 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 completed presenting their cases, they will be asked to leave and evidence will then be considered.

The Review Panel will then put together its findings and recommendations from the case. The Review Panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Head Teacher.

- The outcome

The Review Panel can:

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

If the complaint is upheld, the Review Panel 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 those involved of the decision in writing within 10 school days.

3.5 Referring complaints on completion of the School's procedure

If the complainant is unsatisfied with the outcome of the School's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

4 Complaints against the Head Teacher, an individual Governor or Governing Body

4.1 Informal Stage

Complaints made against the Head Teacher or any member of the Governing Body should be directed to the Clerk to the Governing Body in the first instance.

If the complaint is about the Head Teacher or one member of the Governing Body (including the Chair or Vice Chair), a suitably-skilled and impartial Governor will carry out the steps at the Informal Stage (as set out above).

4.2 Formal Stage 1

An escalated complaint about the Head Teacher or any member of the Governing Body will be managed at Formal Stage 1 in line with the School's Complaints Procedure (as set out above).

A complaint jointly about the Chair and Vice Chair, the entire Governing Body or the majority of the Governing Body will be treated as a Formal Stage 1 without an Informal Stage. An independent investigator will be appointed to carry out the steps in Formal Stage 1 (as set out above). The

investigator will be appointed by the Governing Body or the Diocese. They will be required to provide a formal written response at the end of their investigation.

4.3 Formal Stage 2

An escalated complaint about the Head Teacher or any member of the Governing Body will be managed at Formal Stage 2 in line with the School's Complaints Procedure (as set out above).

If the complaint is jointly about the Chair and Vice Chair, the entire Governing Body or the majority of the Governing Body, a Review Panel of independent members will hear the complaint. They will be sourced from the governing bodies of local schools, the Local Authority or the Diocese and will carry out the steps at Formal Stage 2 (as set out above).

5 Persistent Complaints

5.1 Unreasonably persistent complaints

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

- Has made the same complaint before, and it has already been resolved by following the School's Complaints Policy
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the Complaints Policy
- Pursues a valid complaint, but in an unreasonable manner (e.g., refusing to articulate the complaint, refusing to co-operate with the procedure, or insisting that the complaint is dealt with in ways that are incompatible with the Complaints Policy and Procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on staff time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

We will take every reasonable step to address the complainant's concerns, 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.

If the complainant continues to contact the School in a disruptive way, we may put communications strategies in place. 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 (e.g., Citizens Advice)
- Put any other strategy in place as necessary

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

5.2 Duplicate complaints

If we have resolved a complaint under this Complaints Policy and 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 have not 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 the local process is complete
- Direct them to the SCU if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

5.3 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.

Appendix 1: Complaints Form Format

Your name
Student's name
Student's Year Group and Form

Your relationship to the student

Address
Contact telephone number
Email address

- 1 Please give details of your complaint, including whether you have spoken to anybody at the school about it
- 2 What actions do you feel might resolve the problem at this stage?
- 3 Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Appendix 2: Detailed Roles and Responsibilities within the Complaints Procedure

1 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.

2 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 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 Review Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

3 ***Complaints co-ordinator (this could be the Head Teacher / designated trustee or governor / other staff member providing administrative support)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Head Teacher or Deputy Head Teacher, Chair of Governors, Clerk to the Governing Body to ensure the smooth-running of each 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.

4 Clerk to the Governing Body

The Clerk to the Governing Body is the contact point for the complainant and the Review Panel in a Formal Stage 2 and should:

- ensure that all people involved in a 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 Review Panel 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 Review Panel's decision.

5 Panel Chair

The Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk to the Governing Body) 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 panel 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 to the Governing Body.

6 Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial; No Trustee or governor 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; 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent/carer should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.