



CHATHAM & CLARENDON GRAMMAR SCHOOL

Complaints Policy

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1. General Principles

Introduction

Chatham & Clarendon Grammar School aims to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where issues are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

The difference between concerns and complaints

Chatham & Clarendon Grammar School takes very seriously any concern or complaint about the education or other services we provide or about the conduct of our staff. We believe that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.

We define a concern as follows:

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

We define a complaint as follows:

'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'

Application of the Complaints Procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from the parents/carers of students. This procedure is for the use of parents/carers of students and it should also be used by members of the public to raise complaints

Sometimes, when issues are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Child Protection and Safeguarding: please see the school's Child Protection Policy;
- Pupil Admissions: please see the school's Admissions Policy or contact Kent County Council Admissions team;
- Pupil Exclusions: please see the school's Behaviour Policy or Exclusion Policy
- Special Educational Needs: The complainant can use this Complaints Policy unless the complainants' child has an Education Health and Care Plan and the complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the complainant needs to contact the Local Authority.
- Staff grievance, capability or disciplinary; these are covered by separate school Policies and Procedures;
- Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies;
- Anonymous complaints: please refer to the school's Whistleblowing Policy.

Please note, where the complaint concerns a third party used by the school, or a third party which uses the school premises, please complain directly to the third party themselves.

Safeguarding

Wherever a concern or complaint indicates that a child's wellbeing or safety is at risk the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Child Protection Policy which can be found on the school's website: <http://www.ccgrammarschool.co.uk>

Confidentiality

The school will observe confidentiality for those involved when dealing with concerns and complaints; we expect complainants to also observe confidentiality. In order for concerns and complaints to be resolved as quickly and fairly as possible, Chatham & Clarendon Grammar School requests that complainants do not discuss these publicly or via social media, such as Facebook and Twitter.

Complaints that result in staff capability or disciplinary procedures

If, at any stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

2. Dealing with concerns

Chatham & Clarendon Grammar School defines a concern as follows: *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. As such, we recognise that parents/carers will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the School.

Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher or form tutor in the first instance, either by phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue. All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018 and the School's Retention of Records and Record Management Policy. However, such notes could be used as evidence if further investigation were required, or if the concern became a formal complaint.

For the avoidance of doubt, it is not required for a concern to be raised with the School before a complaint can be made, although it is always preferable that issues are discussed as early as possible and addressed quickly.

3. Making a Complaint

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however where complainants have other communication preferences we will allow alternative methods of contact. Further details can be found in the [Registering complaints](#) sub-section.

Chatham & Clarendon Grammar School reserves the right not to investigate complaints that have been made three months or more after the subject of the complaint took place, except in exceptional circumstances. Exceptional circumstances can include: where new evidence has come to light, where the complaint is of an especially serious matter, or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision

The process for making a complaint is set out in the [Complaints procedure](#) section.

Registering complaints

A complaint may be made in person, by telephone but preferably in writing. In order to prevent any later disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. If this is felt to be necessary, the complainant will be notified that a recording device is being used or the complainant can request that a recording device is used.

4. Complaints procedure

The complaints procedure applies to all members of School staff, the Headteacher, Governors, facilities etc. For complaints against the Headteacher and Governors, the process has different personnel involved. For complaints against the Chair of Governors, different personnel and application of the procedure stages will apply. These differences are detailed in sub-section [Complaints about the Headteacher or Governors](#)

The complaints procedure has three stages:

- Stage 1 – informal complaint
- Stage 2 – formal complaint
- Stage 3 – formal panel hearing

While it is not necessary to raise a concern before raising a complaint, Chatham & Clarendon Grammar School encourages concerns to be raised as early as possible, so that they can be addressed quickly. All complaints start at Stage 1.

Stage 1 – Informal with a member of staff

Either:

Where a concern has been raised and the individual still feels that the issue has not been addressed or where the outcome has been that the complaint needs further investigation.

Or

An individual wishes to directly make a complaint.

The following steps will be followed:

1. Complainant contacts the Headteacher
2. The complainant must explain
 - An overview of the issue so far
 - who has been involved
 - why the issue remains unresolved

- action they would like to be taken to put things right.

Where possible this should be put in writing.

3. The Headteacher will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff, a School Governor or the Chair of Governors the Headteacher will arrange an informal mediation meeting between the two parties to see if a resolution can be reached. For other issues, the Headteacher will arrange a mediation meeting with the most appropriate member of staff.
5. The Headteacher will provide a written confirmation of the outcome of the meeting within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process and launch a formal complaint.
6. The Headteacher will make a record of the complaint and the outcomes of the discussion which will be held for twelve months, in line with the principles of the Data Protection Act 2018.

Stage 2 – Formal complaint

If the complainant feels dissatisfied with the outcome of Stage 1 of this procedure, they should then contact the Headteacher, either by arranging an appointment to see them or by putting their complaint in writing as soon as possible after the outcome of Stage 1 but no later than 10 working days after the Stage 1 outcome. Preferably, the complainant should use the form attached as Appendix 1 to do this. If the complainant is not using the form, their letter should set out clearly the complaint and why they feel the issue has not been resolved through informal channels. It is also helpful if the complainant can set out what resolution they are seeking.

The Headteacher may consider the complaint themselves or delegate the matter to a member of the Senior Leadership Team with the appropriate skills and experience. In considering the complaint, the individual responsible for managing the complaint ('Complaint Manager') will:

1. Respond in writing within 10 working days (which do not include school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
2. Log all correspondence in relation to the complaint to be kept in accordance with Data Protection Principles
3. Consider all relevant evidence; this may include, but is not limited to:
 - a statement from the complainant,
 - where relevant, a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents

- conducting interviews with anyone related to the complaint and keeping notes of any interview for the record. Interviewees may be accompanied by a friend or colleague but not a practising solicitor, if they wish. Note that guidelines for interviewing children will be observed
 - deciding whether to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
4. Clarify how the complainant may feel things could be put right, if this has not been set out in their letter or included on the complaints form;

After considering the available evidence, the Complaint Manager can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Uphold the complaint in part: in other words, the Complaint Manager may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
- It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated, in which case the complaint is rejected.

In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint.

The Complaint Manager will inform the complainant of their decision in writing within 20 working days (excluding those which do not include school holidays) of having issued written acknowledgement of the receipt of the complaint. They will explain clearly why they have come to the decision that they made. They will detail any agreed actions as a result of the complaint. Finally, they will provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied with either the decision or the proposed remedies.

If the complainant is unhappy about the decision the Complaint Manager has made about their complaint, this does not become a complaint about the Complaint Manager. However, the complainant can take their original complaint to the next stage of the Complaints Procedure (Stage 3).

Stage 3 – Formal Panel Hearing

Stage 3 of the Complaints Procedure can be initiated by the complainant by writing to the Clerk to the Governing Body as soon as possible after receiving the decision from the Complaint Manager at Stage 2, this must be within 10 working days of receiving the Stage 2 decision or it will not be considered, except for in exceptional circumstances. The complainant should briefly outline the content of the complaint, why they are dissatisfied with the outcome of Stage 2 and requesting that a Formal Panel Hearing is convened.

The Clerk will organise the time and date of the Formal Panel Hearing, invite the attendees, collate the relevant documentation and distribute this at least 5 days in advance of the meeting, record the proceedings in the form of minutes, and circulate these and the outcome of the meeting.

On receipt of this written notification, the following steps will be followed:

1. The Clerk to the Governing Body will write to the complainant within five working days (which do not include school holidays) to confirm receipt of the Formal Panel Hearing request and detail further action to be taken.
2. The Clerk to the Governing Body will convene a panel of two school governors and one independent member and will write again to the complainant inviting them to attend the Formal Panel Hearing.

The Panel cannot be made up solely of governing body members because they are not independent of the management and running of the school. The independent member may be a governor of Sir Roger Manwood's School with whom the school has a reciprocal agreement. None of the panel members will have any prior knowledge of the content of the complaint.

A Clerk to the Formal Panel Hearing will also be appointed, who may be the Clerk to the Governing Body.

The letter inviting the complainant to attend will explain that they have the right to submit any further documentation relevant to the complaint. The complainant may be accompanied by a friend or colleague but not a practising solicitor, if they wish.

3. The Formal Panel Hearing will normally take place within 20 working days (which do not include school holidays) of receipt of the letter from the Clerk to the complainant, confirming the date of the Formal Panel Hearing. Receipt of the letter is defined as three days after the date of posting the letter.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Complaints Manager who dealt with the complaint at Stage 2
 - the staff member who is the subject of the complaint, where the complaint regards a member of staff,

The complainant may be accompanied by a friend or colleague if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them, again this may be a friend or colleague. Neither party is able to bring legal representation with them.

5. If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a Governor, the complainant may request that the complaint is heard by an entirely independent panel. It is at the discretion of Governing Body who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source

appropriate individuals for the review.

7. The panel can make the following decisions:

- Uphold the complaint
- Uphold the complaint in part
- Dismiss the complaint
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

8. All parties who attended the meeting will be informed in writing of the outcome of the Formal Panel Hearing within 5 working days (which do not include school holidays).

This is the final stage at which the school will consider the complaint. If after the hearing any party feels that legal action is necessary, they should consult their solicitor. Any correspondence should be addressed to the Headteacher, contact details are in [Section 8. Contact details](#)

If the Complainant is unsatisfied by the handling of their complaint they will be advised to contact the Education and Skills Funding Agency (ESFA), current information is available on their website.

The ESFA considers complaints relating to academies in England on behalf of the Secretary of State. They will look at whether the school's complaints policy and other relevant statutory policies were adhered to. They will also check whether the school's policy adheres to education legislation. However, the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the ESFA finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

Complaints about the Headteacher or Governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally (Stage 1 of the procedure). If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (see [Contact details](#) section) as soon as possible, but no later than 10 working days after the Stage 1 outcome. Stage 2 of the [Complaints procedure](#) will then commence but with the Chair of Governors as the Complaint Manager rather than a member of the Senior Leadership Team (See [Stage 2 – Formal complaint](#)).

Where a complaint regards a Governor or Governors, the same process applies as for the Headteacher i.e the complainant should first approach the Headteacher to arrange a meeting to attempt to resolve the issue informally (Stage 1 of the procedure). If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (see [Contact details](#) section) as soon as possible, but no later than 10 working days after the Stage 1 outcome. Stage 2 of the [Complaints procedure](#) will then commence but with the Chair of Governors as the Complaint Manager rather than a member of the Senior Leadership Team (See [Stage 2 – Formal complaint](#)).

Where a complaint concerns the Chair of Governors, the individual should contact the Headteacher. Informal resolution will be sought with the Chair of Governors (Stage 1), but if the complainant is still dissatisfied they should notify the Clerk to the Governors (see [Contact details](#) section) as soon as possible, but no later than 10 working days after the Stage 1 outcome. A formal complaint at Stage 3 of this procedure will take immediate effect (See [Stage 3 – Formal](#)). The Vice Chair of Governors or an independent investigator will Chair

the Formal Panel Hearing.

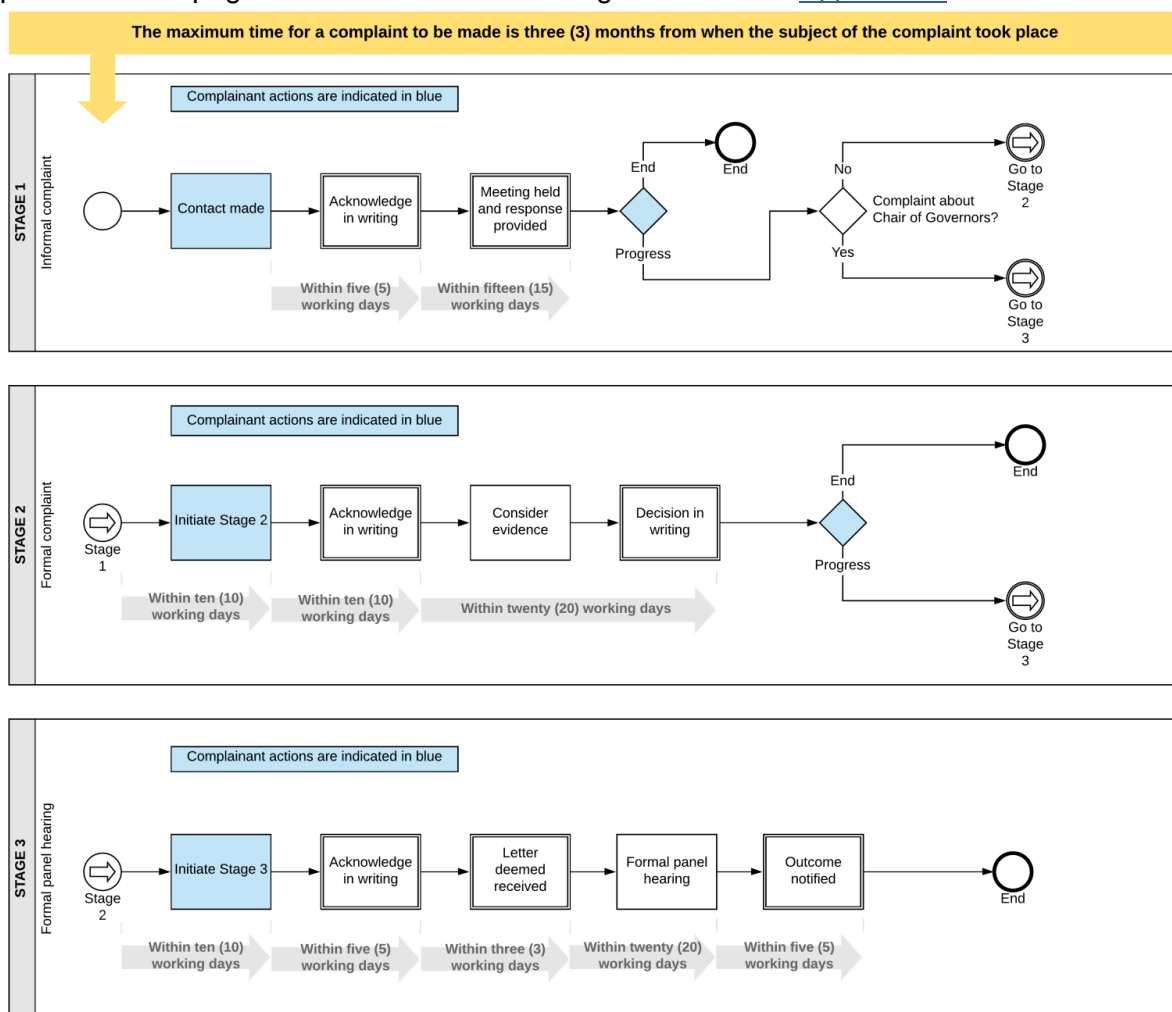
5. Documenting complaints

The school will document the progress of the complaint and the final outcome and a record will be held on file.

- Where a panel is convened to hear the complaint, a copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, to the person complained about. Where issues of Staff Capability or Discipline are identified these will not be included in the published recommendations – see sub-section [Complaints that result in staff capability or disciplinary procedures](#);
- A written record of action taken by the school as a result of those complaints (regardless of whether they were upheld) will be maintained; and
- Correspondence, statements and records relating to individual complaints will be confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them;
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts, except where issues of Staff Capability or Discipline are identified as in sub-section [Complaints that result in staff capability or disciplinary procedures](#).

Timeframes

The diagram below summarises the process and the target timeframes for each stage of the process. A full page version for ease of reading is included in [Appendix 2](#).



Chatham & Clarendon Grammar School will endeavour to abide by the timeframes stated for each stage of the process but acknowledges that, in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

6. Unreasonable complaints

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and are clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors

that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If deemed appropriate by the Chair of Governors, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from Stage 1 on this direction.

If the Chair of Governors upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may contact the Education and Skills Funding Agency using the ESFA's [schools complaints form](#).

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed.

7. Barring from the School Premises

Although they fulfil a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure it remains a safe place for students, staff and other members of their community.

If an individual's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the individual may wish to make. The school will always give the individual the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking account of any representations made by the individual and either confirmed or lifted. If the decision is confirmed the individual should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the ESFA. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

8. Contact details

To contact the Headteacher you can either use the contact form on the school website 'Contact Us' page and select 'Principal' as the enquiry type, write to the Headteacher at the Chatham House address on that page or telephone the Chatham House site phone number on that page.

To contact the Clerk to the Governing Body use the contact form on the school website 'Contact Us' page and selecting 'Governors' as the enquiry type.

If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governing as above.

9. Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <https://www.gov.uk/government/collections/data-protection-act-2018>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Appendix 1 - Chatham & Clarendon Grammar School Complaint Form

Please complete and return to..... who will acknowledge receipt and explain what action will be taken	
Your Name	
Student's Name	
Your relationship to the Student	
Address	
Postcode	
Daytime Telephone Number	
Evening Telephone Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Appendix 2 – Diagrammatic representation of the complaints process and timeframes

The maximum time for a complaint to be made is three (3) months from when the subject of the complaint took place

