

Blackfen School for Girls



Complaints Policy

Head Teacher: Mr M Brown

Chair of Governors: Mr S Fitz-Gerald

	Date	Name	Signature
Policy Date	November 2021		
Review Date	November 2022		
Review Period	Annually or when revised guidance is issued		
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Approved by	Chair of Governors	Stuart Fitz-Gerald	

The Governing Body of Blackfen School adopted this Complaints Policy on 9th December 2021.

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1. Aims

1.1. Blackfen School aims to provide the best education possible for all its students in an open and transparent environment. We welcome feedback from parents/carers of students, staff and third parties, but we accept that not all of this will be positive. Our school aim is to meet its statutory obligations when responding to complaints from parents/carers of students or staff at the school and others.

- When responding to complaints, we aim to:
- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect and courtesy.
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

1.2. In order to do so, the Governing Body of Blackfen School has approved this Complaints Policy which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will direct you to the policy so that concerns can be dealt with in the appropriate way.

1.3. Any person, including a member of the public, can make a complaint about the provision of facilities or services which the school provides. Complaints about services supplied by other providers who use school premises should be directed to the provider concerned.

1.4. Once a complaint has been made, it can be resolved or withdrawn at any stage.

1.5. The Head Teacher will be the first point of contact when following the complaints procedure.

1.6. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Relevant legislation and guidance

2.1. This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents/carers of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

2.2. This policy complies with our funding agreement and Articles of Association.

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3. Definitions and scope

3.1. Definitions

The DfE (Department for Education) guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

3.2. Scope

The school intends to resolve concerns informally through day-to-day communication as far as possible, and at the earliest possible stage. There may however be occasions when complainants wish to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be followed.

This policy does not cover complaints relating to:

- Admissions.
- Statutory assessments of Special Educational Needs & Disabilities (SEND).
- Safeguarding matters.
- Exclusion.
- Whistle-blowing.
- Staff grievances.
- Staff discipline.

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

Arrangements for handling complaints from parents/carers of children with Special Educational Needs & Disabilities (SEND). about the school's support are within the scope of this policy such complaints should first be made to the Special Educational Needs & Disabilities Co-ordinator (SENDCO), they will then be referred to this Complaints Policy. Our SEND policy and information report, available on the school website, includes information about the rights of parents/carers of students with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

NB. For the purpose of this policy, “**concerns**” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

4. Raising concerns

4.1. The majority of concerns can be dealt with without resorting to the Complaints Policy. Where you have a concern about any aspect of the school or your child's wellbeing, raise this in the first instance with your child's Student Support Officer:

<https://www.blackfenschoolforgirls.co.uk/page/?title=Student+Welfare+%28Pastoral+Provision%29&pid=230>

4.2. If you have a concern about your child's education, you should raise the matter in the first instance with the faculty or subject leader concerned. The names of relevant staff are sent in a

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letter to parents/carers in August every year. The PA to the Head Teacher can advise you if you do not have the name of the relevant member of staff. (Miss N Rogers, nro@blackfen.bexley.sch.uk).

4.3. You can contact the staff member concerned by phone or in writing (letter or email) requesting a date and time to speak, or to meet if you wish to speak to them in person. Ideally, they will be able to address your concerns on the spot, or can arrange a further meeting with you to discuss the issue involved further.

4.4. All concerns will be dealt with confidentially. However, in order to prevent any later challenge or disagreement over what was said, the staff member involved should keep brief notes of meetings and telephone calls related to the complaint. A copy of any written response they may have made to the complainant should be added to the record. These notes will be kept in accordance with the principles of the General Data Protection Act 2018 and the GDPR. They will be kept securely on the school's ICT system. These notes may also be used as evidence if further investigation is required, or if the concern becomes a formal complaint.

4.5. The complainant will receive a more effective and timely response to their complaint if they follow the guidance given at paragraph 5.1 below.

4.6. The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of strict confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's Leadership Team.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

5. Roles and responsibilities

5.1. The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Co-operate with the school throughout the process in seeking a solution to the complaint.
- Respond to deadlines and communication promptly.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Observe strict confidentiality, including not speaking to others about the complaint and not publishing details about the complaint on social media.

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5.2. The Head Teacher

The Head Teacher will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Ensure that up-to-date records are kept – these records will be kept securely and retained in line with the school's GDPR Policy 2018 (available on the school website under 'School Life').
- Liaise with all parties involved to ensure the complaints procedure runs smoothly.
- Be aware of issues with regards to sharing third party information.
- Be aware of any additional support the complainant may need including interpretation support, and make any necessary arrangements in this respect.

5.3. The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes.
- Consider records and any written evidence and keep these securely.
- Prepare a comprehensive report to the Head Teacher or complaints committee which includes the facts and potential solutions.

5.4. Clerk to the Governing Body

If the complaint progresses to Stage 4 of the process (Review by a Complaints Appeal Panel (CAP) of the Governing Body) the clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings.
- Arrange the complaints hearing.
- Record and circulate the minutes and outcome of the hearing.
- Ensure the complainant is kept informed of the progress of their complaint.

See pages 13 - 15 below for further information about Stage 4 of the complaints process.

5.5. Committee chair

At stage 4 of the complaint process, the committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout.
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.
- Ensure that the complainant is advised in a timely way of the outcome of the meeting.

6. Principles for investigation

When investigating a complaint, the investigator will try to clarify:

- What has happened.
- Who was involved.
- What the complainant feels would put things right.

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6.1. Timescales

- Complaints should be made as soon as possible after an incident arises in order to amend/resolve the issue in an appropriate timescale.
- The school upholds a three-month time limit during which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused however and exceptions will be considered.
- Complaints made outside of term time will be considered as having been received by the school on the first school day after the holiday period.
- In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

6.2. Complaints should be made using the appropriate channels of communication. See section 4 and 7.

6.3. Anonymous complaints will not normally be investigated. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

6.4. A complaint can progress to the next stage of the procedure even if the complainant is satisfied with the outcome.

6.5. Under some circumstances, it may be necessary to deviate from the complaints' procedure. Any deviation will be documented and the complainant informed accordingly.

6.6. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

6.7. Safeguarding

Wherever a complaint indicates that a young person's wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority (LA). Any action taken will be in accordance with the school's Safeguarding and Child Protection Policy details of which can be found on the school website: <https://www.blackfenschoolforgirls.co.uk/page/?title=Policies&pid=29>.

6.8. Social Media

Complaints will be dealt with confidentially for all involved, and we also expect complainants to observe strict confidentiality themselves. In order for complaints to be resolved as quickly and fairly as possible, Blackfen School requests the complainant not to discuss their complaint publicly and/or on social media such as Facebook and Twitter.

6.9. Complaints that result in Staff Disciplinary or Capability Proceedings

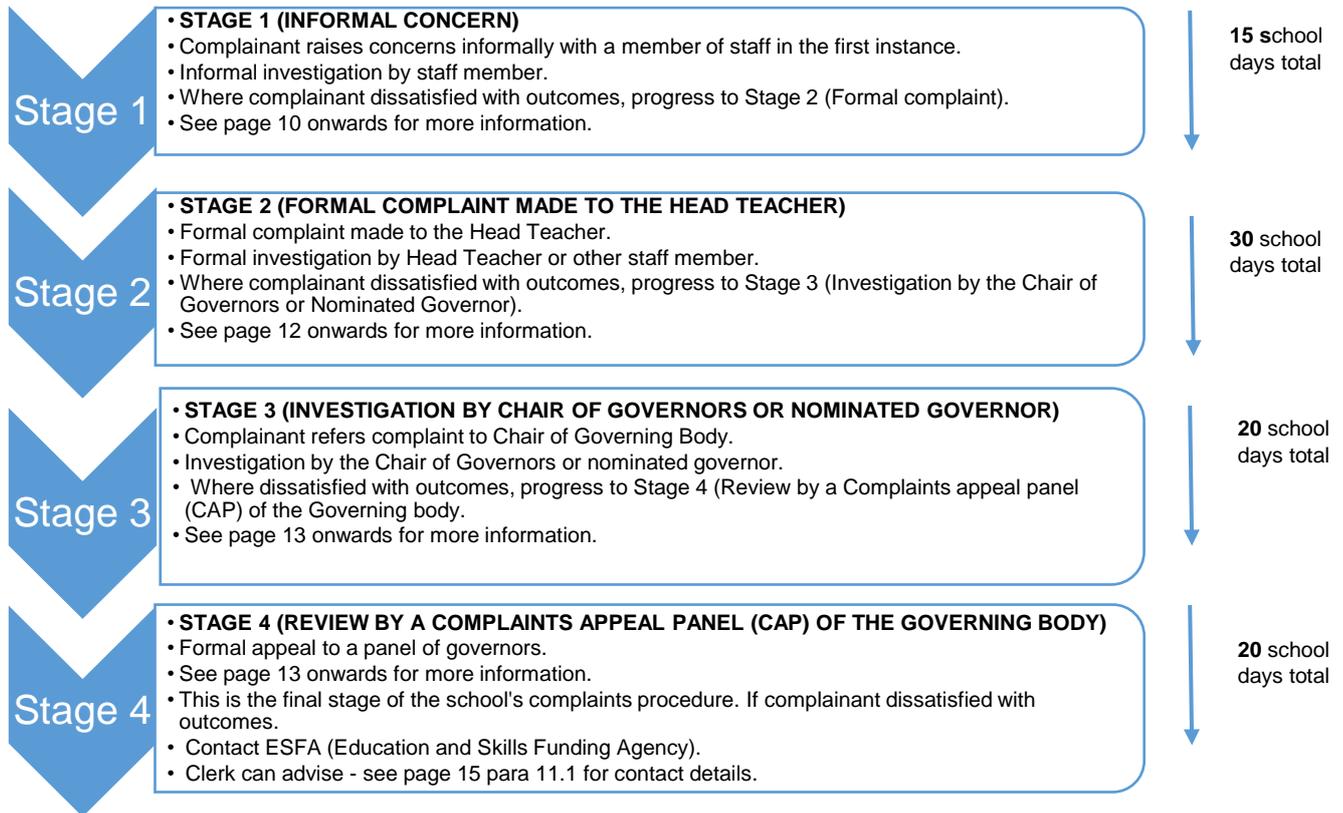
Staff grievances, disciplinary or capability proceedings will be conducted using the school's Employee Resolution Policy. In these cases, the details of any action will remain confidential to the Head Teacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any details about them although they will be notified that the matter is being addressed.

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7. Making a Complaint: Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. See 'Who to Contact' in section 8. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

7.1. Timeline



7.2. Timeframes

Blackfen School will endeavour to abide by the timeframes stated under each stage but acknowledge that, in some circumstances, this may not be possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint, for example. 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.

Blackfen School reserves the right not to investigate complaints that are made more than 3 months following the incident concerned, except in exceptional circumstances. What is meant by "exceptional circumstances" is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification as to why the complainant has been unable to raise the complaint before this time. The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

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8. Who to contact?

Educational matters: the subject or faculty leader or member of the Leadership Team involved. The PA to the Head Teacher can advise which staff member should be approached if the complainant does not know. (Miss N Rogers, nro@blackfen.bexley.sch.uk).

Wellbeing and pastoral care: Student Support Officer - details available on the school website:

<https://www.blackfenschoolforgirls.co.uk/page/?title=Student+Welfare+%28Pastoral+Provision%29&pid=230>

Disciplinary matters: the staff member or their line manager concerned who initiated the sanction. The PA to the Head Teacher can advise which staff member is concerned if the complainant does not know.

Financial/Administration matters: School Business Manager or Finance Manager or PA to the Head Teacher.

Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached. The PA to the Head Teacher can advise which staff member should be approached if the complainant does not know. (Miss N Rogers, nro@blackfen.bexley.sch.uk).

9. Complaints about the Head Teacher, a Governor or the Governing Body

9.1. Where a complaint is made about the Head Teacher, the complainant should first directly approach the Head Teacher in an attempt to resolve the issue informally. If this is not possible, the complainant should contact the Chair of Governors at the school c/o the PA to the Head Teacher. The complaint will then be dealt with by a suitably experienced member of the Governing Body.

9.2. Any complaint made against the Chair of Governors or any other member of the Governing Body should be made in writing to the Clerk to the Governing Body - see contact details on page 15. The same process then applies as for the Head Teacher. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair of Governors or an independent investigator will mediate any proceedings.

9.3. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

9.4. Contact details for the Clerk to the Governors can be found on page 15.

10. Stages of the Complaint

Stage 1 (Informal concern put to a member of staff)

10.1. Stage 1 should be completed within **15 school days**.

10.2. A complaint may be made in person, by telephone or in writing (letter or email). 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.

10.3. In order to prevent any later challenge or disagreement over what was said, the staff member involved should keep brief notes of meetings and telephone calls related to the complaint. A copy of any written response they may have made to the complainant should be added to the record. These notes should be kept securely on the school's ICT system and, where appropriate, encrypted.

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10.4. In case a complaint is made initially to a governor, the governor concerned should refer the complainant to the Complaints Policy on the school website. The governor in question should remain neutral whatever the complainant divulges and should never act alone on a complaint; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure, and they may be deemed to be acting outside the terms of the Governors' Code of Conduct.

10.5. The sequence of actions under Stage 1 of the procedure is that:

- The complainant contacts the member of staff concerned, either by telephone, email or in person to discuss their concerns.
- The member of staff involved should inform the Head Teacher or a member of the Leadership Team in order to alert their senior colleague to the complaint and to seek their advice.
- The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.
- The member of staff concerned will respond to the complainant within 15 school days (i.e. excluding those which fall in the school holidays) of having received the complaint. Complaints received outside of term time will be considered as having been received by the school on the first school day after the holiday period. The staff member will explain to the complainant what action they intend to take.
- The staff member will provide a written confirmation of the outcome of their investigation within 15 school days of having sent confirmation of the intended action. They will make a record of the concern and the outcomes of the discussion which will be held centrally for 12 months, in line with the principles of the Data Protection Act 2018.

10.6. If an appropriate resolution to the issue cannot be found at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the complaints process, Stage 2 (Formal complaint made to the Head Teacher) and lodge a formal written complaint.

Stage 2 (Formal Complaint made to the Head Teacher)

10.7. Stage 2 of the process will be completed within a total of **30 school days**. The complainant should complete and submit a formal Complaints Form (see page 24) or write (letter or email) to the Head Teacher, having completed all sections.

10.8. The Head Teacher will respond to the complainant in writing within **10 school days** (excluding those that fall in the school holidays) of the date of receipt of the complaint – to acknowledge receipt and explain what action will be taken, giving clear timeframes.

10.9. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Head Teacher will contact the complainant to inform them in writing (by letter or email) of the revised target date.

10.10. The Head Teacher should arrange a meeting with the complainant as soon as reasonably practicable, in order to clarify concerns and seek a resolution. Depending on the nature of the complaint, the meeting may include a senior member of staff (the Investigating Officer) whom the Head Teacher has requested to undertake an investigation under this stage of the Policy. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

10.11. 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.

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10.12. Where the Head Teacher has made reasonable attempts to accommodate the complainant with dates for a complaint meeting, and the complainant is unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close. Where there are communication difficulties, the complaint may be made in person or via telephone.

10.13. The Investigating Officer and/or the Head Teacher will consider all relevant evidence; this may include but is not limited to:

- a statement from the complainant.
- where relevant, a statement from the person who is the subject of the complaint.
- any previous correspondence regarding the complaint.
- any supporting documents in either case.
- interview notes with anyone related to the complaint.

10.14. The Investigating Officer'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 young people and any others relevant to the complaint and taking into account the 'Guidance on Interviewing Young People' at Appendix 2.
- reviewing records and other relevant information.
- analysing information.
- liaising with the complainant and the Head Teacher as appropriate to clarify what the complainant feels would put things right.

Staff are allowed a colleague to support them at their interview. However, the colleague must not be anyone likely to be interviewed themselves, including their line manager.

10.15. The investigator should:

- conduct interviews with an open mind and be prepared to persist in their questioning.
- keep notes of interviews or arrange for an independent note taker to record minutes of the meetings concerned.
- record all their discussions. Their principal findings and resolutions will be communicated to the complainant either verbally or in writing.
- ensure that any papers produced during the investigation are kept securely pending any appeal.
- observe the timescales for responses.
- prepare a comprehensive report for the Head Teacher that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

10.16. After considering the available evidence, the Head Teacher can:

- Uphold the complaint and direct that certain action(s) be taken to resolve it
- Reject the complaint and provide the complainant with details of the stage 3 complaints process
- Uphold the complaint in part: in other words, the Head Teacher 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.

10.17. The Head Teacher must then contact the complainant in writing within **20 school days** of having issued written acknowledgement of the receipt of the original complaint. They must explain clearly why they have come to the decision made. They must also detail any agreed actions arising from the complaint. Finally, they must provide the complainant with details of how to escalate the

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complaint to Stage 3 if they are not satisfied, providing them with the contact details of the Clerk to the Governors (see page 15).

10.18. If the complainant wishes to appeal a decision by the Head Teacher or Investigating Officer at Stage 2 of the process, or they are not satisfied with the action that the Head Teacher took in relation to the complaint, the complainant may appeal this decision by progressing to Stage 3 (Investigation by the Chair of Governors or Nominated Governor) of the Policy.

Stage 3 (Investigation by the Chair of Governors or Nominated Governor)

10.19. Stage 3 should be completed within **20 school days** of the Chair of Governors receiving a written complaint.

10.20. If they have not already done so at an earlier stage, the complainant should complete and submit a formal Complaints Form (attached), having completed all sections. Alternatively, they should write (letter or email) to the Chair of Governors who can be contacted via the Head Teacher's PA. (Miss N Rogers, nro@blackfen.bexley.sch.uk). The Chair of Governors or a nominated governor will carry out an investigation of the process and consider all available evidence to write to the Head Teacher.

10.21. The terms of reference for the Chair of Governors or nominated governor should be agreed at the start of Stage 3. They should look into: -

- how the school has handled Stages 1 and 2.
- whether due process has been followed, and also;
- what the complaint against the school currently is and
- what the complainant would like the outcome of the process to be.

10.22. These terms of reference can be amended as necessary to suit the circumstances of the complaint. The main requirement is that the Chair of Governors or Investigating Officer understands that the role of the investigator 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.
- conduct interviews with an open mind and be prepared to persist in their questioning.
- interview staff and young people and other people relevant to the complaint (see Appendix 2 on Interviewing Young People). Staff are allowed a colleague to support them at their interview. The colleague must not however be anyone likely to be interviewed themselves, including their line manager.
- consider records and other relevant information.
- keep notes on the interviews they have with staff and/or students or arrange for an independent note taker to record minutes of their meetings.
- ensure that those individuals interviewed have approved the meeting notes concerned.
- analyse information.
- be mindful to observe the timescales of this stage of the complaints procedure including liaising with the complainant as appropriate to clarify what the complainant feels would put things right.
- prepare a comprehensive report for the Chair of Governors that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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10.23. The Chair of Governors will then determine whether to uphold or dismiss the complaint. They will submit the report, or a summary of it, in a formal letter to the complainant and the Head Teacher within **20 school days** of the date the Chair of Governors received the complaint.

10.24. In that letter, the complainant will be advised of any escalation options (for example, escalation to stage 4) and will be provided with details of this process. The complainant will also be provided with copies of minutes relating to the complaint, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

10.25. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the Chair or nominated governor has acted unreasonably, the complainant may request that the complaint is escalated to Stage 4 (Review by a Complaints Appeal Panel (CAP) of the Governing Body).

Stage 4 (Appeal – Review by a Complaints Appeal Panel (CAP) of the Governing Body)

10.26. If the complainant is not satisfied with the outcome of Stage 3 (Investigation by the Chair of Governors or Nominated Governor), they should write (letter or email) to the Chair of Governors within **10 school days** briefly outlining the content of the complaint and requesting that a Complaints Appeal Panel (CAP) is convened. Where there are communication difficulties, the complaint may be made in person or via telephone.

10.27. If the complainant has not requested a CAP within **10 school days** of the Stage 3 report, their complaint will not be considered, except in exceptional circumstances.

10.28. The Chair or Head Teacher will alert the Clerk to the Governors to the need for a CAP meeting to be held. In liaison with the Head Teacher, Chair of Governors, or another nominated governor, the Clerk will convene a CAP made up of three governors not involved in the complaint, one of whom is independent of the management and running of the school. No panel member will have prior knowledge of the content of the complaint.

The Clerk will:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties 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 involved in advance of the meeting within an agreed timescale.
- Inform the complainant of their right to be accompanied by a friend or relative.
- Record the proceedings in writing.
- Circulate the minutes of the meeting.
- Notify all parties of the committee's panel's decision.

10.29. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept by the Clerk to the Governors and a copy of any written response added to the record. These notes will be kept securely at the school.

10.30. Written acknowledgement of the complaint will be made by the Clerk to the complainant within **3 school days**. This will inform the complainant that a CAP will hear the complaint within **20 school days** (excluding those which fall in the school holidays).

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10.31. **5 school days'** notice will be given to all parties attending the CAP, including the complainant, informing them of how the CAP will be conducted.

10.32. Neither the school nor the complainant should bring legal representation to the CAP proceedings. However, there are occasions where legal representation will be necessary, for example where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

10.33. In addition to the panel, the following parties will be invited, where applicable:

- the complainant.
- the Chair of Governors or the nominated governor who investigated the complaint at Stage 3.
- the Head Teacher or other member of the Leadership Team.

The complainant may also bring a companion with them to the hearing if they wish. The companion may be a friend or a colleague. The colleague must not however be anyone with any involvement in the case, including their line manager.

10.34. If the evidence of any young person 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 young people where they are present at a complaints hearing. See Appendix 2: Guidance on interviewing Young People.

10.35. Prior to the hearing, the Clerk will have written to the complainant informing them of how the review will be conducted. The Head Teacher and panel members will also be sent a copy of this letter. The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all relevant participants, including the complainant, collating all the relevant documentation and distributing this **at least 5 school days** in advance of the meeting.

10.36. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. This is at the discretion of the Governing Body who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Clerk sources appropriate individuals to make up the CAP.

10.37. At the CAP meeting, all participants will be given the opportunity to put their case across and discuss key issues. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the course of the complaints process.

10.38. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- All parties should understand that reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

10.39. The meeting should allow for:

- the complainant to be present and accompanied by a friend or relative if they wish.
- the complainant to explain their complaint and the Head Teacher to explain the reasons for their decision.
- the governor who conducted the investigation at Stage 3 to answer any questions put to them.

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- the complainant to question the Head Teacher, and vice versa, about the complaint.
- any evidence, including witnesses and/or investigating officers who have been prior approved by the chair of the CAP, to be questioned.
- members of the CAP to question both the complainant and the Head Teacher.
- final statements to be made by both parties involved.

10.40. The meeting will be held in private. Electronic recordings are not normally permitted unless a complainant's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent should be recorded in the minutes.

10.41. The CAP cannot consider new complaints or complaints additional to the complainant's original complaint.

10.42. The Panel can make the following decisions:

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

10.43. At the direction of and with the agreement of the Panel, the Clerk will also draft an outcome letter to the complainant for the approval of the chair of the CAP, explaining the panel's findings and recommendations, whether there are any further rights of appeal and to whom they need to be addressed. The Clerk will send the letter, within **15 school days** of the CAP meeting to the complainant with copies to the Head Teacher and chair of the CAP.

10.44. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

10.45. This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, they should follow the guidance below at 11.1 and 11.2.

11. Appeal

11.1. Any queries regarding any aspect of the Complaints Policy should be directed to the Clerk to the Governors:

Hannah Thompson
Governor Services Officer
Customer and Corporate Services
Civic Offices
Bexleyheath DA6 7AT
email: hannah.thompson@bexley.gov.uk

11.2. If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The complainant can write to them using their online [enquiry form](#), or by post to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Further details will be provided in the outcome letter sent to the complainant.

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The ESFA will check whether the complaint has been dealt with properly by the school. It will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure.
- Whether the school was in breach of its funding agreement with the secretary of state.
- Whether the school has failed to comply with any other legal obligation.

11.3. If it is found that the school did not deal correctly with the complaint, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

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

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

11.5. Ofsted also gives parents and carers the opportunity to comment on their child's school at <https://parentview.ofsted.gov.uk>

12. Exceptional circumstances

12.1. The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The **exceptions** to this include cases where:

- children are at risk of harm.
- children are missing education.
- a complainant is being prevented from having their complaint progress through the school's complaints procedure.
- the DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.
- a social services authority decides to investigate a situation; the Head Teacher or Governing Body may postpone the complaints process.

12.2. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a student.

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

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13. Appendix 1: Complaints not covered by this policy, and referral to the Department of Education (DfE)

13.1. Complaints regarding the following topics should be directed to the Local Authority (LA):

- Statutory assessments of SEND (Special Educational Needs and Disabilities)
- School re-organisation proposals
- Admissions to schools

Contact: 020 8303 7777

13.2. Complaints about child protection matters will be handled in line with the school's Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the Local Authority Designated Officer (LADO) or the Multi-Agency Safeguarding Hub (MASH). The LADO can be contacted via MASH:

<https://www.bexley.gov.uk/services/health-and-social-care/social-care-for-children/reporting-concerns-about-child/worried-about-child#:~:text=What%20happens%20when%20you%20contact%20Children's%20Services>

13.3. Complaints concerning admissions should be directed to Bexley's admissions authority see:

<https://www.bexley.gov.uk/services/schools-and-education/secondary-schools/starting-secondary-school>.

13.4. Complaints about students being excluded from the school should be dealt with by following the process explained at:

<https://www.gov.uk/school-discipline-exclusions/exclusions>.

13.5. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff. Complaints of this nature should not be addressed using this Complaints Policy. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk.

13.6. Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

13.7. Staff grievances and disciplinary procedures will be dealt with using the school's Employee Resolution Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

13.8. This Complaints Policy is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints of this nature should be directed to the service provider(s) concerned.

13.9. Complaints about the content of the national curriculum should be made to the DfE. Their General Enquiries Helpline is 0370 000 2288.

13.10. Complaints about how the school delivers the curriculum, including RS (Religious Studies) and RSE (Relationships and Sex Education), will be dealt with using this Complaints Policy.

13.11. Complaints from parents/carers who are dissatisfied with the handling of a request to withdraw their child from RS or collective worship will be handled in line with this Complaints Policy.

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14. Appendix 2: Guidance on interviewing young people

- 14.1. The school understands the importance of ensuring a friendly and relaxed area for an interview with a child which is free from intimidation.
- 14.2. The school will ensure that the way in which such interviews are conducted does not prejudice a Local Authority Designated Officer's (LADO's), or police, investigation.
- 14.3. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 14.4. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 14.5. Where the presence of a parent/carer is not needed or advisable, the staff concerned should inform the parents/carers, at the earliest opportunity that their child has been interviewed at the school.
- 14.6. The interviewee will be asked to sign a copy of the transcription of the interview.

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15. Appendix 3: Recording, reviewing and handling of complaints

Recording a complaint

15.1. A record shall be kept of any complaint made detailing:

- the main issues raised, the findings and any recommendations.
- whether the complaint was resolved following an informal route, formal route or panel hearing. Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld) will also be recorded.

15.2. All records are made available for inspection on the school premises by the Head Teacher.

15.3. Recording devices will not be used without the prior consent of all parties. The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

15.4. Details of any complaint made shall not be shared with the entire Governing Body. The exception to this is when a complaint is made against the whole Governing Body and they need to be aware of the allegations made against them, to respond to any independent investigation.

15.5. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

15.6. The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

Reviewing the procedure

15.7. The Complaints Policy will be reviewed **annually**, taking into account the latest guidance issued by the DfE.

15.8. Responsibility for reviewing the procedure belongs to a committee of the Governing Body.

15.9. All projected review dates will be adhered to.

15.10. Information gathered through reviewing the Complaints Policy will be used to continuously improve and develop the process.

15.11. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

Transferring data

15.12. When a student changes school, the student's educational record will be transferred to the new school and no copies will be kept by the previous school.

15.13. The school will hold records of complaints separately from student records while a complaint is ongoing, so that access to these records can be maintained.

Availability

15.14. A copy of this Complaints Policy will be made available by the school on request. It can also be downloaded from the school website (www.blackfen.bexley.sch.uk), in accordance with ESFA (Education and Skills Funding Agency) requirements.

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16. Appendix 4: Unreasonable complaints, serial and persistent complaints, complaint campaigns, and barring from the premises

Unreasonable Complaints

16.1. Blackfen 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.

16.2. Where a complainant raises an issue that has already been dealt with via the school's Complaints Policy, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example if new evidence has come to light. If a complainant persists in raising the same issue, the Head Teacher will write to them explaining that the matter has been dealt with fully in line with the school's policy and therefore the case is now closed. If they wish to take the matter further, the complainant may contact ESFA (the Education Funding Agency) (see page 15).

16.3. The school 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". Whenever possible the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

- refuses to articulate their complaint clearly or to specify the grounds of that complaint or the outcomes they wish to see as a result of 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 Policy.
- insists on the complaint being dealt with in ways which are incompatible with the adopted Complaints Policy 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 or nature 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 DfE/ESFA.
- seeks an unrealistic outcome.

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

- maliciously.
- aggressively.
- using threats, intimidation or violence.
- using abusive, offensive or discriminatory language.
- knowingly uses or provides false or falsified information.
- publishing unacceptable information in a variety of media such as social media websites and newspapers.

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16.6. Complainants should limit the numbers of communications they make with the 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 an outcome being reached.

16.7. If the unreasonable behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after **6 months**.

16.8. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises and from using any of our communication systems. Any ban will be reviewed every **12 months**.

The complainant persists in pursuing a complaint where the school's Complaints Policy has been fully and properly implemented and exhausted.

- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- The complainant makes excessive and persistent demands of staff with insufficient time for the school to respond.
- The complainant acts in a way that is abusive, inappropriate, threatening or offensive.

16.9. The Head Teacher and Chair of Governors will use their discretion when choosing not to investigate these complaints. Where they decide to take this course of action, they must inform the complainant explaining why they have chosen not to investigate and setting a **time limit of 12 weeks** before a further complaint would be considered.

16.10 If 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 write to the Department for Education: <https://www.gov.uk/complain-about-school>

Serial and persistent complainants

16.11. The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position. If a complainant attempts to re-open an issue which has previously been fully completed, the Chair of Governors will inform the complainant that the matter is now closed.

16.12. If the complainant contacts the school regarding the same issue again, the complaint may be classed as "serial" or "persistent" and the school does not have an obligation to respond.

16.13. The school must ensure that a complaint is not classed as "serial" before they have fully completed the complaints procedure.

16.14. The school will not take the decision to stop responding to an individual lightly. The school will ensure that:

- they have previously taken every reasonable step to address the problem.
- they have provided the complainant with a statement of their position.
- the complainant is contacting the school repeatedly with the same complaint.

16.15. If the school believes that the complainant is continually contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the

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right to not respond to the correspondent. Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

16.16. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

16.17. Any new complaint made by a "serial" complainant will be responded to.

16.18. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

Complaints campaigns

16.19. For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject from complainants that are not connected to the school.

16.20. Where the school becomes the subject of a complaints campaign, a standard, single response will be published on the school's website. If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

Barring from the premises

16.21. School premises are private property and therefore any individual can be barred from entering the premises. If an individual's behaviour is cause for concern, the Head Teacher can ask the individual to leave the premises.

16.22. The Head Teacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

16.23. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

16.24. This decision to bar will be reviewed by the Chair of Governors or a committee of governors, taking into account any discussions following the incident.

16.25. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

16.26. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Head Teacher or Chair of Governors c/o PA to the Head Teacher. (Miss N Rogers, nro@blackfen.bexley.sch.uk).

16.27. Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

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17. Appendix 5: Standard of fluency complaints

17.1. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach students.

17.2. The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

17.3. The school will satisfy itself that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

17.4. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.

17.5. For the purpose of this policy, a “legitimate complaint” is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.

17.6. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

17.7. In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

17.8. To assess the merits of the complaint, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

17.9. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- assessment.
- specific training.
- specific re-training.
- re-deployment.
- dismissal.

17.10. Appropriate support will be provided to staff to ensure that they are protected from vexatious complains and are not subjected to unnecessary fluency testing.

17.11. Records of complaints regarding fluency will be kept in accordance with the processes outlined in this policy.

17.12. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a student.

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

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18. Formal complaint form

If you have tried unsuccessfully to resolve your complaint at Stage 1 (informal concern) and wish to take the matter further, please complete this form and send it to the **Head Teacher**. If your complaint is against the Head Teacher, you should send the completed form to the Chair of Governors, c/o the PA to the Head Teacher at the school. (Miss N Rogers, nro@blackfen.bexley.sch.uk).

Name:	Address:
Student's name:	
Student's date of birth:	
Daytime telephone number/mobile:	
Evening telephone number:	
Email:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it and what action has been taken.	
The reason why this was not a satisfactory resolution for you.	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signed:	Date:
Official use	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

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19. Example letter for complaints against the Head Teacher

Dear <<*addressee's name*>>

I have received your complaint against the Head Teacher of Blackfen School.

I write to let you know that I have forwarded a copy of your complaint to the Head Teacher, with a request that they respond to the issues raised in the complaint within **10 school days**.

A copy of the Head Teacher's response will be sent to you as soon as possible.

If you are not satisfied with the Head Teacher's response, I will arrange for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with stage 4 of the attached Complaints Policy.

As explained in the Policy, the Clerk to the Governors will advise you, in writing how the complaint will proceed.

Yours sincerely,

Chair of Governors

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20. Example letter to complainant for a Stage 4 (Review by a Complaints Appeal Panel (CAP) of the Governing Body

An example of a letter that the Chair of Governors may send to the complainant, upon receipt of a complaint at stage 4

Dear <<**addressee's name**,>>

Thank you for your letter dated <<**date**>> setting out the reasons why you are not satisfied with the Head Teacher's response to your complaint about <<**details of the complaint**>>.

I am writing to let you know that our Clerk to the Governors will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint, in accordance with our school's Complaints Policy.

As explained in the Policy, the Clerk will advise you, in writing, of arrangements to convene the CAP and the process which will be followed.

Yours sincerely,

Chair of Governors