

## The Kimberley School - Complaints Policy

### **Introduction**

At The Kimberley School all teaching and support staff are committed to working successfully with students, parents/carers and our wider community. However, there will be occasions when we do make mistakes. It is crucial that we are informed when this happens so that we can learn from it and improve the way we work in the future. Feedback from the whole community is an important part of our work in improving the school. The purpose of this complaints policy is to ensure that there are clearly understood mechanisms for making and responding to complaints.

Appendix 1 sets out the home school agreement and provides a useful context for the responsibilities of school, parents/carers and students.

Expectations of student behaviour and our processes for sanctions and rewards are included in our behaviour management policy which is available on the school's website.

### **Dealing with initial concerns**

In most situations when things go wrong, it is not because of a deliberate action or intention by someone in the school, it is usually because of an oversight, or a misunderstanding, or a lack of awareness.

In these instances, it is always better to contact the member of staff involved informally, explain the situation, and things will normally be put right straightaway. At Kimberley our staff will always try and resolve issues quickly and to everyone's satisfaction.

If this has not worked you should then follow the more formal procedures described in these paragraphs. Formal procedures will not normally be started until an attempt has been made to resolve the complaint informally.

### **Who can complain?**

It is expected that normally it will be parents or carers that complain. However, members of the public or anyone with a legitimate complaint may contact us.

### **How can a complaint be made?**

All complaints should be made in writing on the complaints form which is included in Appendix 2. The form should be sent to the Head Teacher who will start the school's procedure which is set out below. The Head Teacher will inform you that the complaint has been received and identify a time scale for a response. If the complaint is about the Head Teacher then the complaint form should be sent to the Chair of Governors who will respond.

### **Child Protection**

If the complaint is a child protection issue then it will be dealt with by the Designated Child Protection Officer and The Head Teacher or Chair of Governors (if the complaint is about the Head Teacher). The school may involve the Local Authority Designated Officer (LADO) if appropriate.

### **Complaints procedure**

The principle of our complaints procedure is that it is in everyone's interest to resolve the complaint at the earliest possible stage. It is often unhelpful if the complaint is escalated before the appropriate staff have had the opportunity to resolve it. We are better placed to learn from complaints if the staff closest to the issue, or responsible for leading on that area, are involved from the beginning. If this happens staff are well placed to be able to take appropriate steps to ensure there is no repeat of the problem in future.

The Head Teacher, or the Chair of Governors if the complaint is about the Head Teacher, will identify which is the appropriate stage for the complaint to be dealt with. The Head Teacher will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases the Head may refer the complainant to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head Teacher may consider referring the complainant to another staff

member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

### **Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. In some, very rare instances, the Head Teacher and The Chair of Governors may identify an individual complaint as being vexatious and will write to the complainant setting out the reasons why the complaint will not be investigated.

### **What can be complained about?**

It is impossible to define in advance all eventualities and it would be counterproductive to do so. However, parents and carers should be aware that there is no right of appeal against school sanctions imposed as part of our Behaviour Management Policy. We will work in partnership with parents and will keep them informed of any sanctions we use. The expectations of schools are set out in the DfE document **“Schools’ Responsibilities and Power with respect to Behaviour and Discipline”**. A summary of which is included in Appendix 4, the full document can be downloaded from the DfE website.

### **Exclusions**

Specifically, there is no right of appeal against fixed term exclusions of less than 5 days. If parents or carers have concerns about a fixed term exclusion then they can:

- Discuss the reason for the exclusion with Senior Deputy Head Teacher
- Make a written representation to the Chair of the Governors’ Discipline Committee who will review the exclusion and respond appropriately. Governors cannot overturn the fixed term exclusion but they can place a note on the child’s file which records their view of the decision.
- There is a right of appeal for parents and carers on all decisions to permanently exclude a student.

### **How can the complaint be resolved?**

At each stage in the procedure staff will want to keep in mind ways in which a complaint, if it is valid, can be resolved. In some circumstances it will be appropriate to acknowledge that the complaint is valid in whole or in part. 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;
- 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 school policies in light of the complaint.

Ideally any outcome of an investigation should be communicated in person or over the phone. In all situations a letter should be sent to the complainant confirming the outcome and what, if any, action was taken. The complainant should always be reminded in writing that they can progress to the next stage if they are not satisfied with the response.

### **Stage 1. Initial response.**

Once the formal complaints procedure has been started the Head Teacher will initially refer it for investigation and response to the most appropriate member of staff.

### **Stage 2. Complaint heard by line manager.**

Where the complainant is not satisfied with the outcome of stage 1 the Head Teacher will refer the complaint to be investigated and responded to by the line manager of the member of staff who heard the initial complaint.

### **Stage 3. Complaint heard by Deputy Head Teacher.**

If the complaint is not resolved to the complainant's satisfaction at Stage 2 then they should inform the Head Teacher who will refer the complaint to be investigated and responded to by a Deputy Head Teacher. If the Deputy Head Teacher has already been involved then the complaint will be heard by another member of Senior Leadership Team

### **Stage 4. Complaint heard by Head Teacher**

If the complaint is not resolved to the complainant's satisfaction then they should inform the Head Teacher who will investigate and respond.

### **Stage 5. Complaint heard by Governing Body Complaints Appeal Panel**

If the complaint is not satisfactorily resolved by the Head Teacher then it will be heard by The Governing Body Complaints Appeal Panel. See Appendix 3.

### **Related Policies**

Equal opportunities policy. Behaviour management policy.

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### The Kimberley School Home School Agreement

**As a parent/carer of a child or children at the school I will ensure that:**

- my child attends school regularly, is punctual, wears school uniform and is properly equipped,
- the school is notified of any concerns or problems that might affect my child's work or behaviour,
- any homework set is completed and that I/we will support my child in any opportunities for home learning,
- parents/carers consultations are attended and that I/we will follow up any opportunities to discuss my child's progress,
- parents/carers to ensure that they minimise child absence,
- the school's policies, The Kimberley Code (see next page) and guidelines for behaviour are fully supported.

**The school will:**

- support the child in his/her learning,
- contact parents if there is a recurring problem with attendance, punctuality, uniform or equipment,
- arrange parents/carers consultations at which your child's progress can be discussed,
- set, mark and monitor your child's school and homework,
- provide parents with an annual report/record of achievement,
- keep parents informed of school activities and any important school information through letters home, the Headteacher's update and the newsletter,
- inform parents of any serious concerns or problems associated with their child's work or behaviour.

**The Kimberley Code must be followed by each student.**

- Arrive at lessons on time
- Line up quietly for lessons
- Always wear your uniform correctly
- Sit where you are asked in classrooms
- Always listen and follow the teacher's instructions
- Never stop others learning
- Bring the correct equipment to each lesson
- Do your best everyday and show others respect

Whether inside or outside, the student should remember that the school's reputation depends on the way they behave

## **The Kimberley Code of Conduct**

Arrive at lessons on time  
Line up quietly for lessons  
Always wear your uniform correctly  
Sit where you are asked to in the classroom  
Always listen and follow the teacher's instructions  
Never stop other learning  
Bring the correct equipment for each lesson  
Do your best every day and show respect to everyone

### **Golden Rules**

One person talking – others listen  
Arrive to lesson on time  
Have the required equipment for each lesson  
Respect everyone – treat other people equally  
No food or chewing gum. No drinks in certain areas  
Always try your best to get a 4  
Respect school equipment  
Complete all homework and hand it in on time  
Mobile phones and electronic gadgets are banned  
Take the seat you were given

### **Conduct**

The one overall rule for everyone to remember is to act with courtesy and consideration to others at all times in school, and to and from school.

Be punctual at all times  
Be polite  
Move around school in a sensible way  
Be prepared to hold doors open  
In class, make it as easy as possible for everyone to learn and for the teacher to teach  
Do not eat in lessons  
Do not drop litter  
Always try hard  
Treat other students with respect, and do not humiliate or hurt the verbally or physically  
Respect all school property  
At the end of lessons, where equipment has been used, make sure equipment is returned in the correct place  
Take care of your own property and respect that of others  
Follow school dress regulations  
Before leaving the school campus, gain permission  
Smoking materials, alcohol, dangerous substances and anything else that the school considers to be a distraction or might endanger another person, must not be brought to school  
In the case of theft of a prohibited item the onus will be on the student's family to report the matter to the police.  
The school will not investigate such incidents.

Out of school, locally or away with a school group, you should remember that the school's reputation depends on the way you behave.

**The Kimberley School  
Complaints Form**

Please complete and return this form to the Head Teacher.

**Please ensure that you have made every effort to informally resolve your complaint with the relevant staff member(s) before completing this form.**

**Name of Complainant:**

**Name of Student:**

**Relationship with the student:**

**Date:**

**Address:**

**Phone Number:**

**Email Address:**

**Please give a summary of the key aspects of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint?  
(Who did you speak to and what was the response)**

**What do you seek as a resolution of your complaint?**

**Official use only**

Date acknowledgement sent:

By who:

Complaint referred to:

Date referred:

## **Governors Appeal Panel**

If the complainant is not satisfied with the outcome of the first and second stage, the complainant may request that the complaint be considered by the Complaints Panel of the Local Governing Body which will comprise two members of the Board of Governors who have not previously been involved in the complaint, and one person independent of the management and running of the school.

A request to use the third stage must be in writing, addressed to the Clerk to the Governors at the school, within 10 school days of the stage 4 response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.

The Clerk will invite the school to put in writing its response to the complainant's reasons. The school will do this within 15 school days and at the end of that period (whether or not the school has responded) the Clerk will convene a meeting of the Complaints Panel of the Governing Body. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school response time. At any meeting, the complainant will be entitled to be accompanied.

The following are entitled to attend the Panel meeting, submit written representations and address the Panel:

- (a) The parent/s and/or one companion;
- (b) The Head Teacher of the school and/or one companion; and
- (c) Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

The chair of the panel will decide in advance if all parties are to be present at the same time or, given the nature of the complaint, if it is best that evidence from each party is heard separately.

The Panel may make findings and recommendations and a copy of those findings and recommendations will be

- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about
- (ii) available for inspection on the school premises by the Governing Body and the Head Teacher

7. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.

If the complainant is not satisfied with the outcome of this final stage then they have the right to complain about the school to the Secretary of State. These are handled on his behalf by the Education funding Agency (EFA) and the procedure for complaining, and the grounds for doing so, are outlined in their document entitled 'Procedure for dealing with complaints about academies' a copy of which can be found on the DfE website or obtained from the school via the Clerk to governors.

### **Schools' Responsibilities and Power with respect to Behaviour and Discipline**

Below are extracts from the Department for Education publication "Behaviour and Discipline in Schools – A guide for Head Teachers and School Staff"

#### **The key points of the guidance are:**

- Teachers have a statutory authority to discipline pupils for misbehaviour which occurs in school and, in some instances, outside of school
- The power to discipline also applies to paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants
- Heads and governing bodies must ensure that they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions
- Governing bodies have a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children

#### **Discipline in Schools – Teachers' Powers.**

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the head teacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline pupils for misbehaviour outside school.
- Teachers have a specific legal power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

Teachers also have a statutory power to discipline pupils for misbehaving outside of the school premises. The teacher may discipline a pupil for any misbehaviour when the child is:

- o taking part in any school-organised or school-related activity; or
- o travelling to or from school; or
- o wearing school uniform; or
- o in some other way identifiable as a pupil at the school.

or misbehaviour at any time, whether or not the conditions above apply, that could have repercussions for the orderly running of the school; poses a threat to another pupil or member of the public; or could adversely affect the reputation of the school.

#### **Detention**

Teachers have legal powers to pupils in detention. Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.

- Where detention is outside school hours there is no requirement to give 24 hours notice to parents.\*
- They do not have to give 24 hours notice for a lunchtime detention.

- The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- a. any school day where the pupil does not have permission to be absent;
- b. weekends - except the weekend preceding or following the half term break;
- c. non-teaching days – usually referred to as 'INSET days'

### **Matters schools should consider when imposing detentions**

- Parental consent is not required for detentions
- The school must act reasonably when imposing a detention. In addition, when deciding the timing, the teacher should consider whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient.
- With lunchtime detentions, schools should allow reasonable time for the pupil to eat, drink and use the toilet.

\*At Kimberley we will continue to give 24 hours notice for after school detentions to parents and carers. However, in instances of persistent misbehaviour or non-cooperation we will reserve the right to use no-notice after school detentions after prior notification to parents/carers. This is because we recognise the safety issues for students who travel some distance to and from our school and who rely on public transport.

### **Malicious allegations against school staff**

The school's behaviour policy should set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

- The school will follow the guidance in the August 2011 DfE guidance "Dealing with allegations of abuse against teachers and other staff"
- Where pupils are found to have made malicious allegations they are likely to have breached school behaviour policies. The school will therefore consider whether to apply appropriate sanctions, which could include a temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).