



Complaints Policy

Policy Owner

Managing Director (Proprietor)
Headteacher

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Summary of Complaints

Summary of the number of complaints registered and resolved under our formal complaints procedure during the preceding school year:

Stage 1	Stage 2	Stage 3
0	0	0

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Principles

We believe that our school provides and an outstanding quality of education, and we work very hard to build positive relations with all our families.

However, we acknowledge that sometimes parents and carers may become aware of matters which cause them concern.

To encourage resolution of such situations we have adopted this simple and clear complaints procedure.

This procedure exists to provide a formal structure to express a concern about school issues. The aim is to ensure that all concerns and complaints are dealt with efficiently, sensitively and at the appropriate level. All complaints are handled in a balanced, neutral way, and nothing is assumed until all of the facts are established. See Scope of this Complaints Procedure for matters that sit outside the scope of this policy.

Written records will be kept of all complaints including the stage at which they were resolved and all correspondence, statement and records of complaints will be kept confidential.

Who can make a complaint?

Unless complaints are dealt with under separate statutory procedures, (such as appeals relating to exclusion or admissions), we will use this complaints procedure. Please see the section below entitled

The difference between a concern and a complaint

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Our school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Anonymous Complaint

We will not normally investigate an anonymous complaint. However, the Headteacher or Managing Director, if appropriate, will determine whether the complaint warrants an investigation.

Timescale

A complainant must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will not consider complaints made outside of this time frame unless exceptional circumstances apply.

Concern or complaints received outside of term time

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

Scope of this Complaints Procedure

This procedure covers all complaints about any provision or services by the school with the exception of complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact / Applicable Policy
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Education Needs• School reorganisation proposals	<p>For school admissions and school reorganisation proposals, complaints should be raised with the Managing Director (Proprietor) via cheryl@cavendish-school.net</p> <p>Complaints about statutory assessment of Special Education Needs should be raised with the Local Authority</p>
<ul style="list-style-type: none">• Matters likely to require a Child Protection investigation	<p>Complaints about child protection matters are handled under the school's Child Protection and Safeguarding Policy, available on the school's website, and in accordance with relevant statutory guidance.</p>
<ul style="list-style-type: none">• Suspension / Exclusion of children from school*	<p>Further information about raising concern about suspensions can be found at www.gov.uk/school-behaviour-exclusions/exclusions</p> <p>*complaints about the application of the school's behaviour policy can be made through the school's complaints procedure.</p>

<ul style="list-style-type: none"> Whistleblowing 	<p>The school has a Whistleblowing Policy and Procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for who do not want to raise matters directly with their employer. Referrals can be made at www.gov.uk/contact-dfe.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the schools Grievance Policy</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the schools Disciplinary Policy and / or the Safeguarding and Child Protection Policy as appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example police, local authority (LA) safeguarding teams or Tribunals, this may impact on the schools ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

Resolving Complaints

At each stage in the procedure, the main aim is to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation;
- an admission that the situation could have been handled differently or better;

- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

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

Procedures

Informal Stage – How to raise a concern

A concern can be communicated in person, in writing, by email or by telephone. They may also be communicated by a third party acting on behalf of a concerned party, as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or tutor in the first instance. When the concern is received in writing, by email or by telephone, staff should acknowledge the concern within 24 hours and respond as soon as possible in all events with 5 school days.

A concern that involves or is about the Head Teacher may be address to the Managing Director (Proprietor), via the school office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable concerned parties to access and complete this complaints procedure. For instance, providing information in alternative formats, print sizes or languages, assisting concerned parties in raising a formal complaint or holding meetings in accessible locations.

If the complainant remains dissatisfied and can articulate what remains unresolved, the matter becomes a formal complaint requiring investigation and will move to Stage 1 of the process.

Formal Stage – Stage 1 – Investigation by Head Teacher

Formal complaints must be made via the stage 1 complaint form. Please contact the school office for a link to this form. If a complainant is unable to access the internet, or is otherwise unable to complete the form, then they should contact the school office who will make alterative arrangements to receive their complaint.



Upon receipt of the form, the Head Teacher will record the date and complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. The Head Teacher should avoid involving the Managing Director (Proprietor) at this stage.

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Principal may delegate the investigation to another member of the school's senior leadership team but will maintain oversight at all time and be responsible for the final decision.

During the investigation the Head Teacher (or investigator) will:

- if necessary, interview those in the matter and/or complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings / interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response with **10 school days** of the date of receipt of the complaint. If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If the complaint is about the Head Teacher, the Managing Director (Proprietor) will complete all the actions at Stage 1. At the conclusion of any investigation, a formal written response will be provided.

If the complainant remains dissatisfied, they can escalate their complaint to stage 2. This must be done within **15 school days** of the receipt of the stage 1 response via the schools stage 2 complaint form, which will be provided in the stage 1 written response.

Stage 2 – Investigation by the Managing Director (Proprietor)

Stage 2 involves a review and, if necessary, further investigation by the Managing Director or another senior leader who has not been involved in Stage 1. The team has **3 school days** in which to acknowledge the complaint and **15 school days** in which to respond in writing / by email and resolve the matter formally.

During the investigation, the Investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they so wish;

- keep a written record of any meeting / interviews in relation to their investigation.

Again, the response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

If the complainant remains dissatisfied, they can escalate their complaint to stage 3, a meeting with a panel. This must be done within **15 school days** of receipt of the stage 2 response via the Stage 2 complaint form, which will be provided in the stage 2 response. **This is the final stage of the complaints procedure.**

Stage 3 – Panel Review

The complaints panel will record the date the communication is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Managing Director (Proprietor) will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting and complete Stage 3 within **30 school days** of receipt of the Stage 3 request. If this is not possible, the Managing Director will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of proposed dates three times, without good reason, the Managing Director (Proprietor) will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written subjects from both parties.

The complaints panel will be appointed by or on behalf of the Managing Director (Proprietor) and will consist of at least three people who were not directly involved in the matters details in the complaint, and one person independent of the management or running of the school.

Panel Process

The panel will invite parties to a meeting in person. The only exception to this are if a) the complainant does not want to meet in person, or b) the panel determines that there are highly exceptional circumstances in relation to the personal conduct that make a remote meeting more appropriate. In making their decision the panel will be sensitive to the complainant's needs.

A complainant may bring someone along to the panel to provide support. This can be a relative or friend. Neither party should bring legal representative to the panel meeting.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complaints will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **10 school days** before the meeting, the Managing Director (Proprietor) will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates as previously agreed by all parties and that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the panel at least **5 school days** before the meeting.

Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent for all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be detail with from Stage 1 of the procedure.

The meeting will be held in private and may be in a remote / virtual format in circumstances described above. Electronic recordings of meetings or conversation are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversation take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing / by email, within **5 school days**.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled.

The response will details any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions the School will take to resolve the complaint.

The panel will ensure that those finds and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Proprietor and the Head Teacher.

A written record will be kept of all complaints, and or whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawful or unreasonable in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school has adhered to education legislation and any statutory polices connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations April 2019](#).

The complainant can refer their compliant to the DfE online at www.gov.uk/complain-to-dfe in their [guidance](#), the DfE recommends that complaints contact the school to discuss a concern first, as most problems can be solved this way. Complainants may only complain to the DfE directly where it relates to a child at risk, a child missing school or where the school has failed to follow its complaints procedures.

If a complainant lodges a concern directly with the DfE about a child a risk or missing school, and the DfE confirms with the school that the substance of the concern has been addressed their satisfaction, the school reserves the right to consider the matter closed.

Serial and persistent Complainants

School should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, school will act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for school to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Head Teacher can inform them that the procedure has been completed and the matter is now closed.

If the complainant contacts the academy again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, school must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The DfE does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the [Freedom of Information Act 2000](#). However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) Website](#).

Under no circumstances should an individual be marked as a serial for exercising their democratic right to refer their complainant to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Unreasonable Complainants

Cavendish 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 our 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. Once a complainant's behaviour has become so extreme as to be deemed unreasonable and abusive, they will not necessarily be entitled to all stage of the complaint procedure outlined in this document.

Cavendish School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainants' contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offer of assistance;
- refuses to cooperate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large number of details but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the [ESFA](#);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school about the complaint while the complaint is being progressed. It is not helpful if repeated

correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Head Teacher will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing / by email. This may include barring an individual from the school.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders need to be issued to complainants because of their behaviours.

Is it time to stop responding to a serial complaint?

The decision to stop responding should never be taken lightly. School needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time;

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience – have they actually said as much in a letter, email or telephone call?
- their letters / emails / telephone calls are often or always abusive or aggressive;
- they make insulting personal comments about or threats towards staff.

School should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

School must provide parents with the information they are entitled to under [the Education \(Pupil Information\) \(England\) Regulations 2005](#) and [The Education \(Pupil Information\) \(England\) Amended Regulations 2018](#).

However, where an individual's behaviour is causing a significant level of disruption school may wish to implement a tailored communications strategy

such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term. This will be reviewed after six months.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local [Citizens Advice Bureau](#).

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with this legal obligations. The school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should contact the person responsible for Data Protection in school about those or approach the [ICO](#) for further advice.

Once school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

Appendix 1 – Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- cooperate with school in seeing a solution to the complaint;
- respond promptly to request for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - interviewing staff and students and other people relevant to the complaint;

- viewing of CCTV if available and appropriate;
- consideration of records and other relevant information;
- analysing information;
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of timescales to respond;
- prepare a comprehensive report for the Head Teacher or complaints panel that sets out the facts, identifies solutions and recommends course of action to resolve problems.

The Head Teacher or Complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Managing Director (Proprietor)

The Managing Director is the main point of contact for the complainant at Stage 3 and should:

- 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 (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

Panel Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that;

- both parties are asked (via the Managing Director) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that , if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the compliant is a child / young person;
- the remit of the panel is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the [Data Protection Act 2018](#) or [GDPR](#); if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Managing Director (Proprietor).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so; no person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant; we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations;
- many complainants will feel nervous and inhibited in a formal setting; parents / carers often feel emotional when discussing an issue that affects their child;
- extra care needs to be taken when the complainant is a child / young person and present during all or part of the meeting:
 - Careful consideration of the atmosphere and proceedings should ensure that the child / young person does not feel intimidated;

- The panel should respect the views of the child / young person and give them equal consideration to those of adults;
- If the child / young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child / young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child / young person needs to attend;
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child / young person to attend a part of the meeting that the panel considers is not in the child's / young person's best interests.
- The welfare of the child / young person is paramount.

Appendix 2 – Complaints Form

[Complaints Form Stage 1 and 2.docx](#)