

## Complaints Policy



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## **Who can make a complaint?**

This complaints policy and procedure applies to any individual, including parents/carers of current or former students, members of the public, and any other stakeholder.

Anyone can make a complaint to Earley Springs about any aspect of the provision of facilities or services.

Unless a complaint falls under a separate statutory procedure (such as appeals relating to exclusions or admissions), this complaints procedure will be followed.

## **The difference between a concern and a complaint**

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

## **Resolving Concerns Informally**

Earley Springs aims to resolve concerns informally whenever possible. Many issues can be addressed effectively through informal discussions.

If you have a concern, we encourage you to discuss it with the relevant class teacher in the first instance. Informal mediation may be offered as a means of resolving the issue.

While mediation can be a valuable tool for facilitating discussion and reaching a mutually agreeable solution, it should not be used as a substitute for a formal investigation.

If informal resolution is not deemed appropriate or successful, the complainant may proceed to the formal stages of the complaints procedure.

## **Raising a Formal Complaint**

Formal complaints can be made in person, in writing, or by telephone. Complaints may also be submitted by a third party acting on behalf of the complainant, provided they have the appropriate consent.

**Important Note:** Complainants should not approach individual members of the Executive Board to raise concerns or complaints. Individual members of the Executive Board do not have the authority to address individual complaints.

## **How to Make a Complaint**

Earley Springs aims to address all complaints effectively and fairly. This section outlines the procedures for making a complaint about Earley Springs, its staff, or the Executive Board.

### **Making a Complaint about a Staff Member**

- **Initial Contact:** All complaints regarding staff should be directed to the Complaints Officer in the first instance. Complaints can be submitted via email [enquiries@earleyspringsschool.com](mailto:enquiries@earleyspringsschool.com) or delivered to the office in person.
- **Confidentiality:** Clearly mark all complaint correspondence "Private and Confidential."

### **Making a Complaint about the Headteacher**

- **Contact Information:** Complaints concerning the Principal should be addressed to the Chair of the Executive Board (care of the Complaints Officer) and submitted through the office.
- **Confidentiality:** As with other complaints, mark all correspondence "Private and Confidential."

### **Making a Complaint about the Executive Board**

- **Contact Information:** Complaints about the Chair of the Executive Board, individual governors, or the Executive Board as a whole should be directed to the Clerk to the Governing Body via the office.
- **Confidentiality:** Ensure all correspondence is marked "Private and Confidential."

### **Complaint Form**

A template complaint form is available for your convenience at the end of this policy. The office can provide assistance in completing the form if needed.

### **Additional Support:**

- You may also seek assistance from external organizations like Citizens Advice Bureau in formulating your complaint.

### **Reasonable Adjustments**

Earley Springs adheres to equality laws and will strive to make reasonable adjustments to facilitate your access to the complaints procedure. This may include providing information in alternative formats, assisting you in raising a formal complaint, or arranging meetings in accessible locations.

### **Anonymous Complaints**

While anonymous complaints are generally not investigated, the Complaints Officer or Chair of the Executive Board may consider the complaint's nature and determine whether an investigation is warranted.

### **Time Limits for Making a Complaint**

Complaints must be filed within three months of the incident or, in the case of multiple related incidents, within three months of the most recent incident. Exceptions may be considered for complaints submitted outside this timeframe under exceptional circumstances.

### **Complaints Received Outside Term Time**

Complaints received during holidays will be considered as received on the first day after the break.

### **Scope of this Complaints Procedure**

This complaints procedure applies to all complaints regarding any aspect of Earley Spring's provision of facilities or services, excluding those falling under separate statutory procedures (outlined below).

Exceptions	Who to contact
Admissions to Earley Springs Statutory assessments of Special Educational Needs Earley Springs re-organisation proposals	For concerns about admissions please see the Admissions Policy or contact Kent County Council Admissions team Special Educational Needs: The Complainant can use this policy to complain unless the Complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact the Local Authority School. Re-organisation proposals should be raised with the KCC Contact Centre 01622 671411
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
Freedom of Information	Subject Access Requests and Freedom of Information Requests: please see the Data Protection and Freedom of Information Policies
Exclusion of children from Earley Springs*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> . *complaints about the application of the behaviour policy can be made through the complaints procedure

Whistleblowing	<p>We have an internal whistleblowing 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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about Earley Springs should complain through the complaints procedure. You may also be able to complain directly to the LA or the Department for Education (see link above), depending on the substance of your complaint. Anonymous complaints: Please refer to the Whistleblowing Policy.</p>
Staff grievances	Staff grievance, capability or disciplinary; these are covered by separate Policies and Procedures
Staff conduct	Complaints about staff will be dealt with under the internal disciplinary procedures, if appropriate. 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.
Complaints about services provided by other providers who may use Earley Springs premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

### External Investigations and Legal Proceedings

- **Impact of External Investigations:** If other bodies are investigating aspects of the complaint, such as the police, local authority (LA) safeguarding teams, or tribunals, this may impact the school's ability to adhere to the timelines outlined in this complaints procedure. In such cases, the complaints procedure may be temporarily suspended until the external investigations are complete.
- **Legal Proceedings:** If a complainant commences legal action against Earley Springs in relation to their complaint, we will suspend its internal complaints procedure until the legal proceedings have concluded.

### Duplicate Complaints:

- **Handling Duplicate Complaints:** If Earley Springs receives a duplicate complaint from a close family member (such as a spouse, partner, grandparent, or child) regarding a previously resolved complaint, we will inform the new complainant that the issue has already been investigated and addressed.
- **Informing the Complainant:** We will advise the new complainant that they may contact the Department for Education if they are dissatisfied with the school's handling of the original complaint.
- **Investigating New Aspects:** Any new aspects raised in the duplicate complaint will be investigated in accordance with this complaints procedure.

## **Resolving Complaints**

Earley Springs aims to resolve complaints effectively and fairly at every stage of the process.

When appropriate, we will:

- **Acknowledge the Complaint:** Acknowledge that the complaint is upheld in whole or in part.
- **Provide Explanations:** Offer explanations for the actions taken or the lack of action.
- **Acknowledge Shortcomings:** Admit if the situation could have been handled differently or better.
- **Provide Assurances:** Assure the complainant that steps will be taken to prevent similar issues from occurring in the future.
- **Outline Corrective Actions:** Explain the specific steps that have been or will be taken to address the issues raised, including timelines for implementation.
- **Review School Policies:** Undertake a review of relevant school policies in light of the complaint.
- **Offer an Apology:** Offer a sincere apology to the complainant if appropriate.

## **Withdrawal of a Complaint**

If a complainant wishes to withdraw their complaint, they will be asked to confirm their decision in writing.

## **Stage 1: Making a Formal Complaint**

Earley Springs aims to address all complaints effectively and fairly. This section outlines the Stage 1 process for making a formal complaint about Earley Springs, its staff, or the Executive Board.

### **How to Submit a Stage 1 Complaint**

All formal complaints must be directed to the Complaints Officer via email at [enquiries@earleyspringsschool.com](mailto:enquiries@earleyspringsschool.com). You can also submit your complaint in person at the office or by phone. The Complaints Officer prefers complaints to be submitted using the Complaint Form, which allows you to propose potential solutions to the issue.

## **Complaint Acknowledgement**

The Complaints Officer will record the date the complaint is received and acknowledge receipt within five working school days (usually Monday to Friday during term time, excluding bank holidays). This acknowledgement (by email or letter) will clarify the nature of the complaint, inquire about any unresolved aspects, and seek your desired outcome. The Complaints Officer may propose a face-to-face meeting to discuss the complaint in more detail.

## **Investigation Process**

The Complaints Officer (or a designated member of the senior leadership team) will lead the investigation. However, the Complaints Officer retains the decision-making authority. During the investigation, the investigator may:

- Interview relevant individuals, including those involved in the matter and those complained about (who may have a companion present during the interview).
- Maintain a written record of all meetings and interviews conducted as part of the investigation.

## **Complaint Response**

The Complaints Officer will provide a formal written response within 20 working school days of receiving the complaint. If this deadline cannot be met, you will be informed and provided with a revised response date.

The response will include:

- A detailed explanation of the actions taken to investigate the complaint.
- A comprehensive explanation of the decision reached and the reasoning behind it.
- If applicable, details of the actions Earley Springs will take to address the complaint.
- Information on how to escalate your complaint if you remain unsatisfied with the Stage 1 outcome.

## **Complaints About the Headteacher or Executive Board**

- A suitably qualified governor will be appointed to handle all Stage 1 actions for complaints concerning the Headteacher, or a member of the Executive Board (including the Chair or Vice-Chair).
- Complaints regarding the Headteacher or a member of the Executive Board must be submitted to the Complaints Officer via the office.

## **Complaints About The Executive Board**

- Complaints concerning the Chair and Vice-Chair jointly, the entire Executive board, or the majority of the Executive board will be handled differently depending on the situation.

- A suitably skilled and impartial member of the Executive board may be appointed to investigate the complaint at Stage 1.
- If no suitable internal investigator is available, an independent investigator may be appointed by the clerk on behalf of the Executive board.
- The chosen investigating body will provide a formal written response to both the complainant and the Executive board upon completing the investigation.

## **Stage 2: Appeal to the Executive Board**

If the complainant is dissatisfied with the outcome of Stage 1, they may escalate the complaint to Stage 2.

### **Escalation Procedure:**

- **Request for Stage 2 Review:** A request to escalate to Stage 2 must be made in writing to the Clerk to the Executive Board via the office within five working school days of receiving the Stage 1 response.
- **Acknowledgement of Request:** The Clerk will acknowledge receipt of the request in writing (either by letter or email) within five working school days. Requests received outside of this timeframe will only be considered in exceptional circumstances.
- **Scheduling the Stage 2 Meeting:** The Clerk will write to the complainant to inform them of the date, time, and venue of the Stage 2 meeting. The Clerk will aim to convene a meeting within 20 working school days of receiving the request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- **Complainant Absence:** If the complainant rejects three proposed meeting dates without good reason, the meeting will proceed based on written submissions from both parties. However, the committee will be mindful of the complainant's needs when making its decision.

### **Composition of the Stage 2 Committee:**

- The Stage 2 committee will consist of at least three members of the Executive Board who have no prior involvement or knowledge of the complaint.
- The committee will select a Chair from among its members.
- If fewer than three members of the Earley Springs Executive Board are available to serve on the committee, the Clerk may appoint additional independent governors from other local maintained schools, local governing boards, or academies/multi-academy trusts to ensure a fair and impartial committee.
- Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2 if the complainant believes there is a potential for bias within the Earley Springs Executive Board. The complainant must provide evidence to support their request for an independent committee. The Executive Board will err on the side of caution if there is even the appearance of potential bias.

### **Meeting Procedures:**



- **Meeting Date and Time:** At least 10 working school days before the meeting, the Clerk will:
  - Confirm the date, time, and venue of the meeting with the complainant, ensuring that the arrangements are convenient for all parties.
  - Request any further written material to be submitted to the committee at least seven working days before the meeting.
- **Sharing of Information:** All written materials will be circulated to all parties at least five working days before the meeting.
- **Evidence and Recordings:**
  - The committee will not normally accept covert recordings of conversations as evidence.
  - Electronic recordings of meetings or conversations will not be permitted unless required for a complainant with a disability or special needs. Prior consent from all parties must be obtained and recorded in the meeting minutes.
- **Conducting the Meeting:** The meeting will be held in private.

#### **Committee Decision and Outcomes:**

- **Reaching a Decision:** The committee will carefully consider the complaint and all the evidence presented.
- **Possible Outcomes:** The committee may:
  - Uphold the complaint in whole or in part.
  - Dismiss the complaint in whole or in part.
- **Corrective Actions:** If the complaint is upheld, the committee will determine appropriate corrective actions, which may include recommendations for changes to school systems or procedures.
- **Providing Feedback:** The Chair of the Committee will provide the complainant and Earley Springs with a full written explanation of the committee's decision and the reasons for it within 15 working days. This letter will include information on how to contact the Department for Education if the complainant is dissatisfied with the way their complaint has been handled by Earley Springs.

#### **Note:**

- **Staff Conduct Complaints:** Complaints about staff conduct will generally be addressed through the internal disciplinary procedures.
- **Media Representation:** Media representatives are not permitted to attend Stage 2 meetings.

#### **Handling Complaint Campaigns**

Earley Springs is committed to addressing all complaints effectively and fairly. This section outlines the process for handling situations where Earley Springs receives a large volume of complaints concerning the same issue from individuals unconnected to the school.

## Response to Complaint Campaigns

Following an internal investigation by the Senior Leadership Team, we will respond in one of the following ways:

- **Standardised Response:** A template response addressing the common concerns will be sent to all complainants.
- **Website Publication:** A single, comprehensive response will be published on the website to provide clear and accessible information.

## Next Steps for Complainants

If complainants remain dissatisfied after receiving the response, they can refer to the "Next Steps" outlined in the Complaints Policy.

### Next Steps:

- **Contacting the Department for Education:** Complainants who believe Earley Springs has not followed the established complaints procedure or acted inappropriately can contact the Department for Education (DfE) after completing Stage 2 of the internal complaints process.
- **DfE Role:** The DfE will not typically reinvestigate the complaint's substance or overturn decisions made by Earley Springs. However, they will assess whether the school adhered to relevant education legislation and statutory policies during the complaint handling process.
- **Contacting the Department for Education:**
  - Online: <https://www.gov.uk/government/organisations/department-for-education>
  - Phone: 0370 000 2288
  - Mail: Department for Education Piccadilly Gate Store Street Manchester M1 2WD

## Policy for Managing Serial and Unreasonable Complaints

Earley Springs is committed to providing a high-quality service to those who raise complaints and aims to handle all complaints fairly and impartially. Anyone has the right to submit a new complaint at any time.

We will not restrict reasonable communication from complainants.

However, Earley Springs has a zero-tolerance policy for unacceptable behavior towards staff. This includes abusive, offensive, or threatening language.

## Identifying Unreasonable Complaints

Earley Springs defines an unreasonable complaint as one that, due to the frequency or nature of the contact, hinders the school's ability to address the complainant's or others' concerns effectively.

## Examples of Unreasonable Complaints

A complaint may be considered unreasonable if the complainant exhibits the following behaviors:

- Refusal to clearly articulate the complaint's grounds, desired outcomes, or reasons for filing the complaint, despite offered assistance.
- Refusal to cooperate with the complaint investigation process while seeking resolution.
- Refusal to acknowledge that specific issues fall outside the scope of the complaints procedure.
- Insistence on handling the complaint in a manner incompatible with the established procedure or best practices.
- Introducing irrelevant or trivial information, demanding extensive responses to numerous minor questions, and insisting on immediate answers on their own timeframes.
- Making unsubstantiated complaints about staff members involved in handling the issue and seeking their replacement.
- Changing the basis of the complaint as the investigation progresses.
- Repeatedly submitting the same complaint despite prior investigations or responses indicating that the complaint is unfounded or has already been addressed.
- Refusal to accept the investigation's findings after the complaints procedure, including referral to the Department for Education, has been followed thoroughly and properly.
- Seeking unrealistic outcomes.
- Making excessive demands on time through frequent, lengthy, complicated, and stressful interactions with staff regarding the complaint (in person, writing, email, and phone) while the complaint is being addressed.

## Unreasonable Behaviour

A complaint may also be considered unreasonable if the person making the complaint engages in the following behaviors:

- **Malicious Intent:** Making a complaint maliciously.
- **Aggressive Behaviour:** Acting aggressively or threateningly towards staff or other individuals.
- **Use of Violence:** Using or threatening violence.
- **Abusive or Discriminatory Language:** Using abusive, offensive, or discriminatory language.
- **False or Misleading Information:** Making a complaint based on false or misleading information.
- **Unacceptable Information Dissemination:** Publishing unacceptable information about Earley Springs in various media, such as social media websites or newspapers.

## Managing Excessive Contact

Complainants should limit the frequency and volume of their communication with Earley Springs while their complaint is being addressed. Excessive contact, such as frequent and lengthy phone calls, emails, or in-person visits, can hinder the effective investigation of the complaint.

If a complainant engages in excessive contact that disrupts the school's operations, we may:

- **Address Concerns Informally:** We will attempt to address the issue informally with the complainant, explaining how their communication style is impacting the investigation process. Earley Springs may also suggest that the complainant seek assistance from a third party, such as Citizens Advice, to assist them in communicating their concerns.
- **Implement Communication Guidelines:** If excessive contact persists, we may implement specific communication guidelines, such as restricting communication to a single point of contact via email and limiting the frequency of contact.
- **Review of Communication Guidelines:** These communication guidelines will typically be reviewed after six months.

### **Addressing Serious Incidents**

In cases of serious incidents involving harassment, aggression, violence, or the use of abusive, offensive, or discriminatory language, we will take immediate action:

- **Documenting the Incident:** Earley Springs will document the incident in writing, including the specific behaviors exhibited by the complainant.
- **Informing the Police:** If appropriate, Earley Springs may inform the police.
- **Barring from School Premises:** In serious cases, Earley Springs may bar the individual from premises.

### **Barring from School Premises**

While Earley Springs is a public institution, it maintains the right to ensure a safe and secure environment for its students, staff, and visitors.

- **Right to Bar:** In cases of serious or persistent unreasonable behavior, the school may bar an individual from school premises.
- **Due Process:** Earley Springs will provide the individual with an opportunity to express their views on the decision to bar them from the premises.
- **Review of Barring Decision:** The barring decision will be reviewed periodically, typically every six months.
- **Appeals:** Individuals who wish to appeal a barring decision may submit a written appeal to the Chair of the Executive Board.
- **Department for Education:** Complaints about barring decisions cannot be escalated to the Department for Education.

### **Roles and Responsibilities**

#### **Complainant**

To ensure the most effective resolution of their complaint, complainants are encouraged to:

- **Provide Clear and Complete Information:** Explain the complaint in full and provide all relevant information as early as possible.
- **Cooperate with the School:** Cooperate with Earley Springs throughout the investigation process.
- **Respond Promptly:** Respond promptly to requests for information or meeting invitations.
- **Seek Assistance:** Seek assistance from the Earley Springs or other support services if needed.
- **Treat Others with Respect:** Treat all individuals involved in the complaints process with respect.
- **Maintain Confidentiality:** Refrain from publicly discussing the details of their complaint on social media or other public platforms.

### **Investigator**

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

- **Thorough Investigation:** Conducting a comprehensive, open, transparent, and fair investigation.
- **Interviews:** Conducting sensitive and thorough interviews with the complainant, staff members, and other relevant individuals (allowing those being interviewed to be accompanied by a support person if desired).
- **Record Keeping:** Maintaining detailed written records of all meetings and interviews.
- **Liaison and Communication:** Liaising with the complainant and the Complaints Coordinator as appropriate to clarify the complainant's concerns and desired outcomes.
- **Preparing the Investigation Report:** Preparing a comprehensive report for the Headteacher or Executive Board, outlining the facts, identifying solutions, and recommending courses of action to resolve the issues raised.

### **Complaints Officer**

The Complaints Officer is responsible for:

- **Keeping Complainants Informed:** Ensuring that the complainant is fully updated at each stage of the complaints procedure.
- **Coordinating the Investigation:** Liaising with staff members, the Headteacher, the Chair of the Executive Board, and other relevant parties to ensure the smooth running of the complaints procedure.
- **Addressing Support Needs:** Identifying and addressing any support needs that the complainant may have during the complaints process, such as the need for interpretation services or support for child or young person complainants.
- **Maintaining Records:** Maintaining accurate records throughout the complaints process.

### **Clerk to the Executive Board**

The Clerk to the Executive Board plays a crucial role in the Stage 2 appeal process:

- **Ensuring Compliance:** Ensuring that all parties involved in the complaints procedure are aware of their legal rights and duties, including those related to education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act 2018, and the General Data Protection Regulation (GDPR).
- **Scheduling and Logistics:** Setting the date, time, and venue of the Stage 2 meeting, ensuring that the arrangements are convenient for all parties and that the venue and proceedings are accessible.
- **Document Management:** Collating all relevant written material (e.g., Stage 1 paperwork, school submissions, complainant submissions) and distributing it to all parties in advance of the meeting.
- **Recording Proceedings:** Recording the proceedings of the Stage 2 meeting.
- **Communicating Outcomes:** Circulating the minutes of the meeting to all parties involved.

### **Chair of the Stage 2 Committee**

The Chair of the Stage 2 Committee, nominated in advance of the meeting, is responsible for:

- **Fair and Impartial Conduct:** Ensuring that the meeting is conducted in a fair, impartial, and supportive manner.
- **Creating a Welcoming Atmosphere:** Creating a welcoming and supportive atmosphere for all participants, particularly child or young person complainants.
- **Clarifying Issues:** Clarifying any issues or questions that may arise during the meeting.
- **Gathering Information:** Ensuring all parties have the opportunity to present their case and seek clarification.
- **Decision-Making:** Leading the committee in reaching a decision on the complaint.
- **Documenting Findings:** Documenting the key findings of fact and the committee's recommendations.
- **Communicating Outcomes:** Communicating the committee's decision and recommendations to the complainant and Earley Springs in writing.

### **Committee Members**

All committee members must:

- **Maintain Independence:** Ensure their independence and impartiality throughout the process. No member should participate if they have any prior involvement in the complaint or the circumstances surrounding it.
- **Focus on Resolution:** Focus on resolving the complaint and achieving reconciliation between the complainant and Earley Springs .
- **Consider Complainant Needs:** Be mindful of the complainant's needs, particularly if the complainant is a child or young person.

- **Respect Confidentiality:** Respect the confidentiality of all information shared during the meeting.