



KINGSDALE FOUNDATION SCHOOL

COMPLAINTS POLICY

INTRODUCTION

At Kingsdale Foundation School we work hard to improve the services we provide and your comments help to shape the service you receive, whether matters are dealt with formally or informally.

We aim to provide the highest quality services so are pleased to hear your suggestions on how we can improve.

There may also be times when the service you receive does not meet your expectations. Although staff can usually sort out most problems straight away, without you having to make a formal complaint, if you do want to complain, we have tried to make it as easy as possible.

This policy explains how you can make a complaint about our services.

1. MAKING A COMPLAINT

THE INFORMAL STAGE

1.1 A complaint can be received by any member of staff from the school and can be oral or written. It is recognised that many concerns may be resolved by informal discussion without recourse to any formal procedure and that such discussion forms an important part of dispute resolution. It is a requirement of this policy that reasonable attempts are made by the complainant to seek resolution at the lowest possible level. This part of the process is called the Informal Stage. During the Informal Stage it is expected that the complainant (the person making the complaint) and the complainee (the person complained about or the subject of the complaint) will attempt to resolve the issues directly, if appropriate, or via mediation through a mutually agreeable third party. The aim at this stage is to reach resolution in the most amicable fashion whilst minimising any administrative burden on all sides.

1.2 Written notes and communications are not required but are not prohibited and where this occurs may be referred to at a later stage but only if both sides agree to allow this. A minimum of 10 working days from receipt of the complaint should be allowed to resolve any complaint at the informal stage unless all concerned parties agree to reduce or extend this timescale. *Please be advised that 'hearsay evidence' may be considered at the informal stage by mutual agreement of all concerned parties i.e. the complainant and the complainee.

**Hearsay evidence is the evidence of those who relate, not what they know or have seen or heard themselves, but what they have heard from others.*

1.3 If the complaint cannot be resolved immediately or at the Informal Stage then it may be necessary to proceed to Stage 1 of this policy. The complainant should write to



confirm that they do not believe their complaint can be resolved at the Informal Stage and wish to progress matters to Stage 1 of the Complaints Policy.

2. DEALING WITH STAGE 1 COMPLAINTS

- 2.1 It is good practice for the Headteacher to be made aware of any complaint that cannot be resolved at the Informal Stage. Any oral complaint should be summarised in writing by the member of staff who receives it, and should include the name and address of the complainant. If possible the complainant will be asked to sign the summary to endorse its contents, and a copy of the summary should be retained by the complainant.

The easiest way to make a complaint is to telephone the school and ask to speak to an appropriate person. Alternatively, you can write or email telling us as much as you can about your problem, for example:

- What went wrong
- When it happened
- Who you dealt with
- How you would like the matter settled

Please be advised that our Complaints Policy is an evidenced based process with the onus on the complainant to prove their case as opposed to the subject of the complaint 'proving' their innocence. *Please also be advised that in line with normal quasi-judicial processes that 'hearsay' evidence will not be considered at the formal stages of this procedure.*

Putting things right

If we have got it wrong we will:

- Apologise and put things right as far as is reasonable or possible
- Explain what went wrong and learn from our mistakes

- 2.2 The person investigating the complaint is expected to provide a written or oral acknowledgement to the complainant within 5 working days of receiving the complaint. The acknowledgement should contain a brief explanation of Kingsdale's Complaints Policy and give a target date for providing a response to the complaint, which should normally be within 10 working days. If this target cannot be met, a communication from the school is expected to be made within 10 working days explaining to the complainant the reason for the delay and providing a revised target date.
- 2.3 The person investigating should seek to speak or meet with all appropriate people in order to establish the facts relating to the complaint. This may include the complainant, staff, students and any other person.
- 2.4 Once all of the relevant facts have been established, the person investigating the complaint should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.5 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reason for



it. Where appropriate, this should also include what action the school will take to resolve the complaint. It should also inform the complainant that should he/she wish the complaint to progress to Stage 2 of this Policy then he/she should send a written request stating this to the Headteacher within **10 working days** of receiving the response.

- 2.6 If no further communication is received from the complainant within 10 working days, it will be assumed that the complaint has been resolved and the complaint will be laid to rest. Subsequently, should the complaint or any part of it be raised again or revived, it will not be considered under this policy and will be dismissed.
- 2.7 If the complaint cannot be resolved at Stage 1 then it may be necessary to proceed to Stage 2 of this policy. Prior to a complaint progressing to Stage 2 it is a requirement to inform the Headteacher or the Chair of the Governing Body, if the complaint is against the Headteacher, to allow the opportunity for direct intervention by a third party in an attempt to resolve the complaint or dispute at this stage.
- 2.8 If the complainant remains dissatisfied following the procedure outlined in paragraph 2.7 the complainant should write to confirm that they do not believe their complaint can be resolved at Stage 1 or with the direct intervention of another party other than the Headteacher or Chair of the Governors (as appropriate) and wish to progress matters to Stage 2 of the Complaints Policy.

3. DEALING WITH STAGE 2 COMPLAINTS

COMPLAINTS DEALT WITH BY THE HEADTEACHER OR HIS/HER REPRESENTATIVE

- 3.1 If you are not happy with the way that your Stage 1 complaint has been dealt with, you can lodge a Stage 2 complaint. Stage 2 complaints will be dealt with in the first instance by the Headteacher or his/her representative.
- 3.2 The written complaint or written summary of the complaint to be considered at Stage 2 should be promptly referred to the Headteacher or appropriate person. Please be advised that this may be an amended or revised complaint less aspects of the original complaint that may have been resolved at an earlier Stage.
- 3.3 The Headteacher or an appropriate person will decide whether to delegate the investigation of the complaint to another member of staff or whether to undertake the investigation him/herself.
- 3.4 In exceptional circumstances, such as an incident which could or has resulted in personal injury, the Headteacher must be informed immediately and may consider referring the matter for investigation direct to the Chair of the Governing Body. In cases of a serious complaint against the Headteacher, the matter must be referred to the Chair of the Governing Body.
- 3.5 The person investigating the complaint is expected to provide a written or oral acknowledgement to the complainant within 5 working days of receiving the



complaint. The acknowledgement should contain a brief explanation of Kingsdale's Complaints Policy and give a target date for providing a response to the complaint, which should normally be within 10 working days. If this target cannot be met, a communication from the school is expected to be made within 10 working days explaining to the complainant the reason for the delay and providing a revised target date.

- 3.6 The person investigating should seek to speak or meet with all appropriate people in order to establish the facts relating to the complaint. This may include the complainant, staff, students and any other person.
- 3.7 Once all of the relevant facts have been established, the person investigating the complaint should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 3.8 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reason for it. Where appropriate, this should also include what action the school will take to resolve the complaint. This letter or report **must** be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to Stage 3 of this policy then he/she should send a written request stating this to the Headteacher within **25 working days** of receiving the response.
- 3.9 If no further communication is received from the complainant within 25 working days, it will be assumed that the complaint has been resolved and the complaint will be laid to rest. Subsequently, should the complaint or any part of it be raised again or revived, it will not be considered under this policy and will be dismissed. However, it is at the discretion of the Headteacher to determine whether any new material evidence presented will be reviewed and should this be the case, how such evidence will be used.
- 3.10 If the complainant remains dissatisfied and believes their complaint cannot be resolved at Stage 2 then it may be necessary to proceed to Stage 3 of this policy. The complainant should write to confirm that they do not believe the complaint can be resolved at Stage 2 and wish to progress matters to Stage 3 of the Complaints Policy.

3 DEALING WITH STAGE 3 COMPLAINTS

COMPLAINTS REFERRED TO THE CHAIR OF THE GOVERNING BODY

- 4.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3 (the complaint referred to the Chair of the Governing Body), the procedure outlined below will be followed.
- 4.2 The written complaint or written summary of the complaint to be considered at Stage 3 should be promptly referred to the Chair of Governors or appropriate person. Please be advised that this may be an amended or revised complaint less aspects of the original complaint that may have been resolved at an earlier Stage.
- 4.2 The Chair of the Governing Body will make a determination whether to delegate



the investigation to another person or whether to undertake the investigation him/herself. Alternatively, the Chair of the Governing Body has the right to refer the complaint to a Governor's Complaints Panel (GCP). In cases of a serious complaint against the Chair of the Governing Body, the matter will be referred to a duly convened GCP.

- 4.3 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request for the complaint to be heard at Stage 3. The acknowledgement will normally be sent within **5 working days** and should also inform the complainant that the complaint is to be heard either by the Chair of the Governing Body in accordance with the procedures outlined in Stage 2 or a GCP within **20 working days** of receiving the complaint. The letter will explain that the complainant has the right to submit any further documents relevant to the complaint or to invite witnesses prepared to give evidence on their behalf. Documents and the names of any potential witnesses must be received within **10 working days** of the target date for response from the Chair of the Governing Body or a GCP hearing to allow adequate time for the documents to be investigated and circulated to relevant parties.
- 4.4 The GCP should consist of the Chair or Vice-Chair of the Governing Body and two other Governors. It may not be appropriate for the Headteacher to have a place on this panel. No member of the panel should have had any prior material involvement in the complaint.
- 4.5 The Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the GCP, at least **5 working days** in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend, advocate or interpreter.
- 4.6 The Chair of the Governing Body will normally invite the Headteacher to speak to the panel and/or prepare a written report for the GCP in response to the complaint. If the Headteacher prepares a written report, a copy of this report will normally be sent to the complainant at least **5 working days** before the date of the meeting. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents relating to the complaint should be received at least **5 working days** prior to the hearing.
- 4.7 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the GCP.

5 HEARING A COMPLAINT AT A GCP MEETING

- 5.1 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the establishment and the complainant.
- 5.2 The panel is mindful that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair of the panel will attempt to ensure that the proceedings are as informal as possible.
- 5.3 In the interest of natural justice, the introduction of previously undisclosed



evidence or witnesses is not admissible. Should a request be made for an adjournment by either party on the aforementioned grounds, it is for the panel alone to decide whether to proceed or in exceptional circumstances adjourn the meeting so that the other side has time to consider and respond to the new evidence. An adjournment will only be contemplated by the panel where new evidence is deemed by it to be material, compelling and a plausible reason has been provided as to why it could not have been presented earlier. Should the panel decide to proceed, undisclosed new evidence will not be accepted as grounds for appeal.

5.4 The recommended conduct of a GCP meeting is as follows:

- (I) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- (ii) The Chair of the panel will invite the complainant or advocate to explain the complaint.
- (iii) The GCP may question the complainant about the complaint and the reason why it has been made.
- (iv) The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- (v) The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel, the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
- (vi) The GCP may question the Headteacher and/or members of staff about the response to complaint.
- (vii) The Chair of the panel will invite the complainant to question the Headteacher and/or members of staff about the response to the complaint.
- (viii) Any party has the right to call witnesses, subject to the approval of the GCP.
- (ix) The GCP, the Headteacher and the complainant have the right to question any such witnesses.
- (x) The Headteacher will be invited by the Chair of the panel to make a final statement.
- (xi) The complainant will be invited by the Chair of the panel to make a final statement.
- (xii) The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **15 working days**. The Chair of the panel will then ask all parties to leave except for members of the GCP.



- (xiii) The GCP will then consider the complaint and all the evidence presented and:
- (a) reach a decision on the complaint and all the evidence presented
 - (b) decide upon the appropriate action to be taken to resolve the complaint
 - (c) where appropriate, suggest recommended changes to the establishment's systems or procedures to minimise the likelihood of complaints of a similar nature being made in the future.

5.5 The minutes of the meeting will be recorded and kept on file.

5.6 A written statement outlining the decision of the GCP must be sent to the complainant and Headteacher. The statement sent to the complainant must explain that the decision of the GCP is final.

5.7 The school must ensure a copy of all correspondence and notes are kept on file in the school's records.

6 SERIAL AND PERSISTENT COMPLAINTS

6.1 Kingsdale Foundation 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, potentially harassing or threatening.

6.2 Kingsdale Foundation 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'.

6.3 A complaint may be regarded as unreasonable when the person making the complaint:

- a) refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- b) refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- c) refuses to accept that certain issues are not within the scope of a complaints procedure;
- d) insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- e) 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;
- f) makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;



- g) changes the basis of the complaint as the investigation proceeds;
- h) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- i) 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 Department for Education;
- j) seeks an unrealistic outcome;
- k) makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- a) maliciously;
- b) aggressively;
- c) using threats, intimidation or violence;
- d) using abusive, offensive or discriminatory language;
- e) knowing it to be false;
- f) using falsified information;
- g) publishing unacceptable information in a variety of media such as in social media websites and newspapers.

6.5 Complainants should limit the numbers of communications with a 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 the outcome being reached.

6.6 Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

6.7 If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact 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.

6.8 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 Kingsdale Foundation School environs and premises.

For further information about the School's Complaints Policy please contact:

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