



# 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.

- 1.4 Information about, evidence related to or the details of a complaint should only be shared with staff and third parties on a 'need to know basis'. This is to protect the probity of any potential future enquiry and the rights and reputations of all persons concerned.
- 1.5 A complaint should normally be submitted no later than 25 working days after the act or omission complained of, or no later than 25 working days after the last act or omission in a series of linked events, unless there is a just and equitable reason for the delay. It shall be at the discretion of the Headteacher/Chair of Governors to determine whether or not a complaint submitted outside of this timescale shall be considered under this procedure. The longer the delay in submitting a complaint, in accordance with this paragraph, the more likely it will be that it will be deemed ineligible to be considered under the Complaints Policy or at all.

## **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. Whilst complainants can submit a complaint to whomsoever they choose, they have no right to determine who will investigate their complaint or not; however, complainants are entitled to express an evidenced based view over the suitability of any designated investigator.*

### **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(s) for the determination. 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 (GOVERNOR'S COMPLAINTS PANEL) 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 any 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 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 the 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 and any advisor(s).
- (xiii) The GCP will then consider the complaint and all the evidence presented and:
  - (a) reach a decision on the complaint based on 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, UNREASONABLE, VEXATIOUS OR PERSISTENT COMPLAINTS**

6.1 Kingsdale Foundation School is committed to dealing with all complaints fairly, proportionately and impartially and to providing a high quality service to those who complain. We will not normally limit the amount or type of contact complainants can have with the school but have the power to do so under particular conditions. We will not allow staff to have to tolerate unacceptable behaviour and will take action to protect staff from this type of conduct e.g. that which is abusive, offensive, time-wasting, prejudicial, disproportionate, potentially harassing or threatening. We shall also deem the taking or use of unauthorised/ clandestine/ undeclared recordings/pictures of staff, students or other concerned party unreasonable and/or unacceptable (evidence gathered in such a manner is not admissible and will not be considered under this policy).

6.2 Kingsdale Foundation School will do its best to be helpful to people who contact

us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by or on behalf of an individual making the same point(s) or who persistently asks us to reconsider his/her (evolving) position and/or to review our own determination(s), we will need to act appropriately in accordance with Section 6 of this policy.

- 6.3 Kingsdale Foundation School defines an unreasonable complaint as ‘that which, due to the frequency or nature of contact with the school, hinders our consideration of the complainant or other parties’ complaints, entitlements or needs. We take the deliberate or inadvertent misuse of staff time (human & financial resources) very seriously as directing the energy and focus of (senior) staff /governors away from professional school business/priorities has the potential to impact adversely on the efficient and effective running of the organisation, school and student outcomes.
- 6.4 There will be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. It is a poor use of the school’s time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. In such circumstances it is permissible under this policy for the school to choose not to respond.
- 6.5 If a complainant contacts the school again over an issue over which there has already been a final determination, then the correspondence may be viewed as ‘serial’ or persistent’ and the school may choose not to respond.
- 6.6 The decision to stop responding will never be taken lightly. This decision will be taken if the school believes it can say yes to all of the following:
- (I) The school has taken every reasonable step to address the complainant’s needs;
  - (II) The complainant has been given a clear statement of the school’s position and his/her options (if any); and
  - (III) The complainant or representative(s) is/are contacting the school repeatedly but making substantially the same point(s) each time.
- 6.7 The case is even stronger, for taking a decision not to respond, if the school agrees with one or more of the following statements:
- (I) The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience;
  - (II) The complainants’ letters/emails/telephone calls/communications are often abusive or aggressive;
  - (II) The complainant makes insulting personal comments about or threats towards staff;
  - (III) The complainant takes an action which is overtly prejudicial, offensive, defamatory or unnecessary which could undermine an objective enquiry e.g. circulating sensitive, confidential or questionable information to parties not authorised to investigate or receive it which may be detrimental to the interests of concerned persons or a breach of the data

protection act;

- (IV) Attempts to prematurely escalate a complaint prior to the completion of due process at an appropriate level within the remit of the Complaints Policy.

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

- (I) Refuses to articulate the complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- (II) Refuses to co-operate with the complaints investigation process while still wishing the complaint to be resolved;
- (III) Raises by letter, email, in person or otherwise the same (essential) complaint concurrently with different staff; multiple complaints of this type will be treated as a single complaint for the purpose of this policy. A decision will be made by the school as to the most suitable person to address a complaint sent for the attention of more than one party. In such circumstances, other potential respondents will not consider the complaint, especially where there is the potential for prejudicing the complaints procedure at a future stage. Where possible a party not directly involved in addressing a complaint will either not be presented with the complaint i.e. even if it is sent for their attention or will not retain or consider any information received at a stage which does not require that person's involvement. The school has a duty to attempt to protect the impartiality of those involved with dealing with complaints especially at the formal stages 1, 2 & 3 of this policy and will endeavour to fulfil this obligation. The complainant will be informed of the name of any designated investigator and his/her right to progress the complaint further in accordance with the school's Complaints Policy;
- (IV) Refuses to accept that certain issues are not within the scope of a complaints procedure;
- (V) Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- (VI) 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;
- (VII) Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- (VIII) Changes the basis of the complaint as the investigation proceeds;
- (IX) Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- (X) Refuses to accept the findings of the investigation into a complaint where the school's complaints procedure has been fully and properly implemented and completed;
- (XI) Seeks an unrealistic outcome;
- (XII) Insists on a criminal level of proof (beyond reasonable doubt) not consistent with natural justice (on the balance of probability);
- (XIII) Demands to see or insists on having access to evidence, witness information prematurely or such evidence which the complainant is not entitled to receive which could prejudice the school's, governor's or third

- (XIV) party (including the police) current or future investigation(s);
- (XIV) 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;
- (XV) Attempts to raise or revive a complaint at a lower level following a determination at a higher one;
- (XVI) Ignores advice or determinations by other authorised statutory bodies such as the Police, Local Authority/Safeguarding Board or Department for Education (DfE).

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

- (I) Maliciously;
- (II) Aggressively;
- (III) Using threats, intimidation or violence;
- (IV) Using abusive, offensive or discriminatory language;
- (V) Knowing it to be false;
- (VI) Using falsified information;
- (VII) Publishing unacceptable information in a variety of media such as on social media websites and newspapers;
- (VIII) In an attempt or having attempted to pervert or influence the course of an objective investigation
- (IX) Discloses information which has been shared with them in confidence or should not be shared with third parties
- (X) Makes it impossible or difficult to conduct a fair and impartial investigation
- (XI) Colludes or conspires with one or more parties to obstruct, divert, restrict or mislead the course of the investigation
- (XII) Acts dishonestly, deceitfully or with a lack of integrity
- (XIII) Attempts to intimidate, bully or unduly influence a witness, advisor or investigator
- (XIV) Attempts to bring the name of the school or individuals within it into disrepute

6.10 Complainants should limit the number of communications with the school while a complaint is being progressed. It is not usually helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could be counterproductive and result in a delay to an outcome being reached.

6.11 The Headteacher, Chair of Governors or Investigating Officer, may discuss any concerns with the complainant informally before applying an 'unreasonable' complaint judgment. In such circumstances the complainant has the right to ask for this determination to be reviewed by the Headteacher, Chair of Governors, or representative of a GCP. Any such determinations will be final and binding on all parties.

6.12 If the unreasonable behaviour continues the Investigating Officer may write to the complainant explaining that their behaviour has been deemed unreasonable and ask them to change it. For complainants whose excessive contact causes a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This may be reviewed

periodically every 6 months. The school reserves the right not to respond to unreasonable complaints.

- 6.13 Complainants who may have been restricted in their communications with the school may be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.
- 6.14 Although fulfilling a public function, Kingsdale Foundation School is a private place. The public has no automatic right of entry. Kingsdale Foundation School will therefore act to ensure it remains a safe place for pupils, staff and other members of the school community.
- 6.15 If a complainant's/parent's behaviour is a cause of concern, we may ask him/her to leave the school premises.
- 6.16 In response to any serious incident of aggression or violence, the concerns and actions taken may be put in writing immediately and the Police informed. More serious action may include exclusion from our premises and/or seeking a prohibition order with respect to entering the Kingsdale Foundation School environs.
- 6.17 The decision to bar will then be reviewed, taking into account any representations made by the complainant/parent and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.
- 6.18 Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice should therefore be sought.

*\* Please be advised our policy with respect to serial and persistent complainants is based on 'Best Practice Advice for School Complaints Procedures 2016' published by the DfE.*

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

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