



Complaints Procedure

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Statement of intent

King Edward VI Grammar School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedure has been created to deal with complaints by a parent against a member of staff, or a complaint against the school as a whole where it relates to the provision of facilities or services to another body/group/business or person.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that King Edward's provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

At King Edward VI Grammar School, the Principal will be the first point of contact when following the complaints procedure, unless it is a complaint against the Principal in which case the Chair of Governors/Trust [via the Clerk to the Governors] will be the first point of contact.

1. Legal framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

2. Definition of a complaint

2.1. For the purpose of this policy, a "complaint" can be defined as follows:

- a) A complaint by current parent or guardian of a pupil at the school in relation to a member of staff.
- b) A complaint by a member of the public in relation to a member of staff when carrying out his duties representing the school during an event, trip, or other off-site activity
- c) A corporate complaint relating to the provision of services or the hire of facilities provided by King Edward VI Grammar School or King Edward VI Education Trust.
- d) Other complaints outside of the scope of those above will be considered at the discretion of the Chair of Governors/Trust/and or Chair of the Trust: see appendix B.

2.2. Complaints can be resolved formally or informally and the school aims to resolve all complaints and find resolution through the informal process first.

2.3. A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.

2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

NB. For the purpose of this policy, "concerns" will be classed and addressed as complaints and dealt with through the informal process.

3. Outcomes

- 3.1 At each stage in the procedure the School will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review School policies in light of the complaint
 - confirmation that confidential internal disciplinary procedures will be invoked/investigated.
- 3.2 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

4. Roles and responsibilities

- 4.1. The complainant will:
- Co-operate with the school in seeking a solution to the complaint.
 - Express the complaint and their concerns in full at the earliest possible opportunity.
 - Promptly respond to any requests for information or meetings.
 - Ask for assistance as needed.
 - Treat any person(s) involved in the complaint with respect.
- 4.2. The complaint co-ordinator will usually be the Principal, other member of the SLT, or the relevant line manager. The Clerk to the Governors/Trust will be the coordinator in Corporate complaints, or complaints against the Principal/CEO.
- 4.3. The complaint co-ordinator will:
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
 - Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
 - Keep up-to-date records throughout the procedure.

- Liaise with all parties involved to ensure the complaints procedure runs smoothly.
 - Be aware of issues in regards to sharing third party information.
 - Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.
- 4.4. The co-ordinator may choose to either appoint a relevant investigator e.g. Head of Department, member of the SLT, or a Governor OR dependent on the scale of the investigation required they may undertake the investigation themselves.
- 4.5. The investigator will be involved in stages one and two of the procedure. Their role includes:
- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
 - Considering all records, evidence and relevant information provided.
 - Interviewing all parties that are involved in the complaint, including staff and children.
 - Analysing all information in a comprehensive and fair manner.
 - Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
 - Identifying and recommending solutions and courses of actions to take.
 - Being mindful of timescales and ensuring all parties involved are aware of these timescales.
 - Responding to the complainant in a clear and understandable manner.
- 4.6. The panel chair will:
- Minute all meetings.
 - Explain the remit of the panel to the complainant.
 - Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
 - Following discussion with the Chair of Governors/Trust/Trust determine whether to hold a full hearing with witnesses or whether to have full hearing to consider written submissions.
 - IF the decision is made to hear from witness then the following apply:
 - Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.

- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

4.7. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

4.8. The panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- Keep up-to-date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

5. Making a complaint

5.1. King Edward's will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's senior management team.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

5.2. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

5.3. King Edward's upholds a three-month time limit in which a complaint can be lodged regarding an incident.

5.4. Complaints made outside this time limit will not be considered: unless there is evidence of a safeguarding concern or criminality.

- 5.5. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 5.6. Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).
 - All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.
- 5.7. A complaint can only progress to the next stage upon completion of the previous stage.
- 5.8. Any complaint made against the Chair of Governors/Trust or any other member of the governing body should be made in writing to the clerk to the governing body.

6. The Complaints procedure

- **Stage one** - the informal process
- The overwhelming majority of complaints are resolved at this level through the informal process.
- The school seeks to resolve as many complaints/concerns at this stage to ensure that an early and timely resolution to the matter is reached and to avoid all parties entering into lengthy and protracted formal procedures that may ultimately lead to the same outcome.
- Having received written notification of a complaint the complainant coordinator will carry out preliminary investigations; they will discuss the matter with both parties and attempt to identify a mutually agreeable resolution to the matter e.g. an apology; explanation of events; alteration of policy/practice to ensure that events do not re-occur etc.
- It is useful if at this stage the complainant has considered what type of outcome or resolution they would find acceptable, and that they communicate this to the complaint coordinator.
- If an appropriate resolution can be found then the complaint coordinator will write confirming this resolution and close the complaint.
- If however the complainant is not satisfied then following these initial discussions, the complainant may wish to proceed to the next level of the procedure and will need to write to the complaint coordinator confirming that they wish to proceed to stage two: the complaint must also specify in writing the type of resolution they are seeking.

6.1. **Stage two** – formal complaint made to the Principal or to Chair of Governors/Trust if about the Principal.

- Stage two of the complaints procedure may only be accessed where the informal process has been completed and no resolution has been agreed.
- The complainant should write formally to the Principal, or if about the Principal to the Chair of Governors/Trust c/o the Clerk to the Governors.
- Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Principal or Chair of Governors/Trust will contact the complainant to inform them of the revised target date via a written notification.
- An appointment with the Principal or Chair of Governors/Trust should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation: the Principal and Chair of Governors/Trust reserve the right to nominate an alternative person to either assist them/act as witness and or to lead the discussions in their absence.

- The Principle will discuss the issue with the staff member in question. Where necessary, the Principal or his appointed investigator will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- Once all the facts are established, the Principal/Chair of Governors/Trust shall contact the complainant in writing with an explanation of the decision.
- Any further action King Edward's plans to take to resolve the issue will be explained to the complainant in writing.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

6.2. **Stage three** – Complaints appeal panel (CAP)

- Following receipt of a stage two outcome, the complaint should be made in writing to the Chair of Governors/Trust within 10 school days.
- Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days; this time limit is subject to the ability and availability of a panel: any delays and the reasons for them will be communicated to both parties.
- The Chair of Governors/Trust, will liaise with the Chair of the Trust to determine the size and membership of the CAP and also to determine if the hearing will be via verbal or via written submissions: written submissions are the normal route. The CAP must not include any member of the Trust or Governing Body that has been involved in earlier discussions or matters relating to the complaint.
- It is good practice to include at least one Trustee in the CAP as Trustees are independent of the leadership of the School: *this is the responsibility of the Local Governing Body and not the Trust.*
- Five working days' notice will be given to all parties attending the CAP, including the complainant.
- If a verbal hearing is chosen then the following apply:
- Prior to the hearing, the Chair of Governors/Trust will have written to the complainant informing them of how the review will be conducted.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The meeting should allow for:

- The complainant to explain their complaint and the Principal to explain the reasons for their decision.
 - The complainant to question the Principal, and vice versa, about the complaint.
 - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
 - Members of the CAP to question both the complainant and the Principle.
 - Final statements to be made by both parties involved.
- The complainant will receive a written response explaining the final outcome within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
 - All complainants have a further right of appeal to the EFA who will only investigate the complaints procedure to ensure that it has been carried out properly. If the EFA finds inaccuracies in the process then it can ask for the complaint to be re-heard.

7. Interviewing witnesses for stage two and three complaints

- 7.1. When interviewing children in order to gather information regarding a complaint for a stage two or stage three appeal, the interview should be conducted in the presence of another member of staff. In the case of complaints where the police are involved and/or a criminal investigation may be undertaken, then parents/carers should also be present.
- 7.2. King Edward's will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 7.3. The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 7.4. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 7.5. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 7.6. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 7.7. The interviewee will sign a copy of the transcription of the interview.

8. Complaints not covered by this procedure

- 8.1. Complaints regarding the following topics should be directed to the LA:
 - Statutory assessments of Special Educational Needs and Disabilities
 - School re-organisation proposals
 - Matters which may require a Child Protection Investigation
- 8.2. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 8.3. King Edward VI Grammar School has an internal whistleblowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk
- 8.4. Staff grievances and disciplinary procedures will be dealt with using the school's confidential internal grievance and disciplinary procedures. In these cases, complainants will be informed of the school's intention to use these processes but will not be informed of the confidential outcome of any investigations.
- 8.5. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

9. Exceptional circumstances

- 9.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA.
- 9.2. If a social services authority decides to investigate a situation, the Principal or governing body may postpone the complaints procedure.
- 9.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

10. Serial and persistent complainants

- 10.1. The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.
- 10.2. If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing body will inform the complainant that the matter is now closed.
 - If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.
 - The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- 10.3. King Edward VI Grammar School will not take the decision to stop responding to an individual lightly. The school will ensure that:
 - They have previously taken every reasonable step to address the problem.
 - They have provided the complainant with a statement of their position.
 - The complainant is contacting the school repeatedly with the same complaint.
- 10.4. If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.
- 10.5. Once King Edward VI Grammar School decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

11. Barring from the premises, and or communication

- 11.1. School premises are private property and therefore any individual can be barred from entering the premises.
- 11.2. If a parent's/carer's behaviour is cause for concern, a school can ask the individual to leave the premises or can insist that communication occurs via a designated person, and in a specified manner e.g. by phone, e mail, in person or via letter.
- 11.3. The Principal will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

- 11.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 11.5. This decision to bar will be reviewed with the Chair of Governors/Trust, taking into account any discussions following the incident.
- 11.6. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.

Appendix A

Unreasonable Complainants

King Edward VI Grammar 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 or threatening.

King Edward VI Grammar 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'.

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- 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.
- 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- 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.

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:

- Maliciously
- Aggressively
- Using threats, intimidation or violence

- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Making persistent calls or communication with the school without giving the school any reasonable opportunity to act or respond to the initial request in a sensible timeframe.
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

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.

Whenever possible, the Principal or Chair of Governors/Trust 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 asking them to change it. For complainants who excessively contact the school 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.

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 premises.

Appendix B

Other Complaints

The overwhelming majority of complaints or concerns will meet the definition and criteria of a complaint set out on page 4 of the policy.

However, it is possible that the School or the Trust may receive other types of concerns, grievances or complaints by other persons, bodies, or organisations that fall outside of the scope of this policy.

The Trust and the School reserve the right to consider these concerns separately and to then determine the most appropriate method of resolution, this might include:

- Applying the formal or informal stages of the Complaints Policy
- Mediation/discussion by the Principal
- Mediation/discussion by the Chair of the Trust or their nominated Trustee [*if about the Principal*]
- Independent mediation via the Local MP/Local Councillor; Solicitor or senior member of the Clergy

All of the above may occur via an exchange of letters; phone calls or joint meetings.

The likely outcomes from this process mirror those outlined on page 5.

Complaints Procedure Form

Please complete this form and send it to the Principal's p/a Rhona Adam. If your complaint is against the Principal, you will need to send the form to Melanie Gibbons the Clerk to the Governors/Trust.

| | |
|---|-----------|
| Name: | Address: |
| Pupil's name: | |
| Pupil's date of birth: | |
| Daytime telephone number: | |
| Evening telephone number: | |
| Email: | Postcode: |
| What is your complaint concerning? | |
| What type of resolution would you like to see the school take? [<i>refer to Page 5 Outcomes</i>] | |
| When did you first discuss your concern/complaint? | |
| What was the result of the previous stage? [please indicate 1 st , 2 nd or 3 rd stage complaint] | |
| Signed: | Date: |