



KATHERINE WARRINGTON SCHOOL

COMPLAINTS POLICY AND PROCEDURE

**Reviewed and adopted by Education Committee
on 18th May 2022**

Date of next review: May 2023

Katherine Warrington School Complaints Policy and Procedure

Procedure Aim

Every day we make many decisions which are aimed at enabling all our students to make outstanding progress throughout their time at Katherine Warrington school. As part of this aim, we are in constant contact with our students' parents and carers and we appreciate all the feedback that we are given. We provide many opportunities for you to pass on ideas, thoughts and feedback informally to staff as we all work together to support our students on their educational journey.

However, if you are dissatisfied with the way that your child is being treated at school, or any actions or lack of action by us, then you have the right to raise a concern with us or to make a complaint.

It is in everybody's interest that concerns and complaints are resolved as swiftly as possible. Many issues can be resolved informally, without needing to escalate to the formal stages of the complaints process. We take all concerns and complaints seriously and we will make every effort to resolve matters as quickly as possible.

We understand however, that there are some occasions when people only wish to raise their concerns formally. In such instances, we will attempt to resolve the issue(s) internally, through the stages outlined within this complaints policy and procedure.

At all times, all parties involved should ensure they comply with their roles and responsibilities as set out in Appendix 1.

Scope of this Complaints Policy and Procedure

This policy and procedure only applies to complaints about the provision of facilities or services by Katherine Warrington school.

Some examples of issues that may be complained about are as follows:

- Complaints from individuals, including members of the public, about the provision of facilities or services by the school.
- Issues from parents or carers of children who attend the school.
- Complaints regarding pupil welfare and wellbeing.
- Complaints regarding bullying.
- Complaints regarding staff behaviour.
- Complaints about the school's handling of a Subject Access Request (SAR) or a Freedom of Information (FOI) Request.

The following matters cannot be dealt with as a formal complaint:

- Complaints about pupil behaviour outside of school hours, e.g. weekends and holiday periods – such issues are not the school's responsibility.

- Complaints regarding third parties using or hiring school premises – third party providers should have their own complaints process and you should contact them directly.
- Complaints about the school carrying out a statutory duty, e.g. making a Child Protection referral – the school’s complaints process cannot be invoked to stop it from doing something it has a duty to do.
- Matters likely to require a Child Protection Investigation – Complaints about Child Protection matters are handled under the school’s Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- Complaints regarding internal management decisions, e.g. Class and Teacher Allocations and school Session Time changes.
- National Curriculum content – contact the Department for Education at www.education.gov.uk/contactus
- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Full Trustee Board – the Trustee Board has already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views.
- Unsuccessful school admission applications – may ultimately be appealed to an Independent Appeal Panel.
- Complaints about Fixed-Term or Permanent Exclusions – Permanent Exclusions may ultimately be appealed to an Independent Review Panel (IRP). For Fixed Term Exclusions, representations can be made to the Chair of Trustees outside the provisions of the complaints process.

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on our ability to adhere to the timescales set out within this policy and procedure or may result in the process being suspended until the other relevant body has concluded its enquiries.

If a complainant commences legal action against us in relation to their complaint, we will consider whether to suspend the complaints process until the legal proceedings have concluded. We will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint.

Resolving complaints

At each stage of this process, we will aim to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld, in whole or in part. In addition, we may offer one or more of the following if it is deemed appropriate and necessary:

- an apology
- an explanation.
- an admission that the situation could have been handled differently or better.
- an assurance that we will try to ensure the event(s) complained of will not recur.
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
- an undertaking to review relevant school policies in light of the complaint.

Withdrawal of a Complaint

You can withdraw your complaint at any time. If you wish to do so, then you must inform us and we will ask you to confirm this in writing. If you are unable to do this, however, we will write to you to confirm that your complaint has been withdrawn, in accordance with your wishes.

Anonymous complaints

We will not normally investigate anonymous complaints. In such instances, the Headteacher and/or the Chair of Trustees will determine whether the complaint warrants an investigation and will ensure that this is completed, if so. The outcome of the investigation cannot be shared with the complainant, as we will not know who they are and therefore, we cannot ascertain whether or not the person is entitled to have confidential information regarding the complaint investigation shared with them.

Timescales

We all to resolve all complaints in a timely manner. Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs. For the purposes of this procedure, a 'school day' is defined as a weekday during term time when Katherine Warrington School is open and, therefore, excludes weekends and inset days.

All complaints must be raised within three months of an incident or event. Where a series of associated incidents have occurred, the complaint must be raised within three months of the last of these incidents. We will consider exercising the discretion to consider matters raised outside of this timeframe, only if we deems that exceptional circumstances apply. To enable us to make this decision, the complainant will be asked to explain their reasons as to why they have taken longer than three months to raise their complaint. If the complainant does not provide any explanation or we deem that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, we will confirm this in writing and take no further action.

We will nominate a member of staff to have responsibility for the operation and management of the school complaints procedure (the Complaints Co-ordinator).

Complaints received outside of term time

We will consider any complaints made outside of term time to have been received on the first school day after the holiday period. We will send you an acknowledgement of your complaint, confirming the date of receipt, what will happen next and the timescale that applies. This will differ depending on what stage of the complaints process has been reached.

How to raise a concern or make a complaint

Raising a concern or making a complaint involves the following stages:

1. Informal resolution – raising the concern or complaint with a member of staff. If this does not resolve your concern or complaint, then you can move on to Stage 1 of the formal Complaints Procedure.
2. Stage 1 – Making a complaint in writing which will be investigated by the Headteacher. Again, if this does not resolve your complaint, you can move on to Stage 2 of the Complaints Procedure.
3. Stage 2 – Hearing by a Complaints Panel on behalf of the Trustee Board.

We will maintain a written record of all formal complaints, the progress of the complaint and the final outcome. For the avoidance of doubt, the school will not maintain a separate written record of every concern or minor issue raised with the school through individual members of staff, heads of subject or heads of year, the details of which will be placed on the relevant student's file. However, a formal record will be kept of all complaints that reach Stages 1 and 2.

Informal Resolution

Most concerns or complaints, where a parent seeks clarification, intervention, reconsideration or advice can be resolved informally.

Concerns or complaints should be raised with either the class teacher or relevant head of year. You can raise a concern or a complaint in person, in writing or by telephone. A concern or complaint can also be made by a third party acting on your behalf, provided that the third party is able to demonstrate to us that they have the appropriate consent to do so.

If your concern or complaint is about the provision the school is making for a child's Special Education Needs, then you might find it helpful to talk to the named SENCO where this applies.

You should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 1 or 2 of the formal complaints process. In the event that a Trustee is approached by a complainant, they will signpost the complainant back to the most appropriate person.

We hope that most concerns and complaints can be settled quickly and informally. We will acknowledge your concern or complaint within 5 school days and will do our best to resolve such issues within 15 school days. We will tell you if it will take longer than this and the reasons why.

If, after 15 school days, the issue remains unresolved, the next step is to make a formal complaint in writing.

Stage 1 – Making a Complaint in Writing

1. Notification

If you would like to proceed on to this stage of the complaints procedure then you are asked to submit your complaint in writing, either by sending an email or a letter via the school office. This will ensure that all formal complaints are documented in writing so that the issues being complained about and your desired outcomes are clear.

All Stage 1 complaints should be submitted as soon as possible and within 10 school days of receipt of the school's response to your informal concern or complaint. This will ensure that all complaints can be investigated as soon as possible.

Please also note that it is only possible to submit a Stage 1 complaint after going through the informal stage. We believe that it is in the best interests of everyone to resolve complaints informally if possible.

Complaints against school staff (except the Headteacher) should be made, in the first instance, to the Headteacher via the school office. They should be marked Private and Confidential.

Complaints regarding the Headteacher should be addressed to the Chair of Trustees and submitted via the school office. They should be marked as Private and Confidential. The school office will ensure that the Chair of Trustees receives this promptly.

Complaints about the Chair of Trustees, any individual Trustee or the whole Trustee Board should be addressed to the Clerk to the Trustee Board and submitted to the school office. They should be marked Private and Confidential. The school office will ensure that the Clerk receives this promptly.

For ease of use, a template complaint form has been included within this complaints policy and procedure at Appendix 2. If you require help to complete the form, you should contact the school office. You can also ask third party organisations like the Citizens Advice Bureau or an Independent Advocate to help you.

In accordance with equality law, as outlined above, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints process. This includes providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If you are unable to submit your complaint in writing, then we will ensure that the issues being complained about and the outcomes being requested are documented in writing. We may do this in either of the following ways:

- Invite you to a meeting with the Headteacher or Chair of Trustees (depending on what stage the complaint has reached) and a Notetaker. The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, you will be given a copy of the notes of the meeting containing this information and the school will retain the original copy for the purpose of investigating the complaint(s).

- Signpost you to independent support, including Advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help you to formulate your complaint and then submit it on your behalf and support you through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

2. Acknowledgement

Once a complaint has been received, the Headteacher will record the date the complaint was received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

3. Investigation and Resolution

The Headteacher can delegate the investigation of the complaint to another member of the school's Senior Leadership Team, but not the decision(s) to be taken. Whether it is the Headteacher or a senior member of staff, the individual investigating the complaint is known as the Investigating officer.

During the investigation, the Investigating officer will:

- Be likely to meet with you to discuss the complaint.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The decision in terms of who should be interviewed and how is up to the Investigating officer.
- Keep a written record of any meetings or interviews in relation to their investigation.

Once the investigation has been concluded, the Headteacher will provide a formal written response as soon as possible, and normally within 10 school days from the date of receipt of the complaint. If the Headteacher is unable to meet this deadline for whatever reason, they will provide you with an update and a revised response date.

The response will detail the actions taken to investigate the complaint and will

provide a full explanation of the decision(s) made and the reasoning behind them.

Where appropriate and possible, the response will include details of actions the school will take to hopefully resolve the complaint. The response will also advise you as to how you may escalate your complaint should you remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Trustee Board (including the Chair or Vice-Chair of Trustees), a suitably skilled Trustee will be appointed to complete all of the required actions at Stage 1 as set out above.

If the complaint is:

- jointly about the Chair and Vice Chair of Trustees,
- the majority of the Trustee Board or
- the entire Trustee Board,

Stage 1 will be considered by an Independent Investigator appointed by the Clerk to the Trustee Board. This person could be a Trustee from another school. At the conclusion of their investigation, the Independent Investigator will provide a formal written response to the complainant.

4. Unresolved Complaints

If you are dissatisfied with the Stage 1 response to your complaint, you have 10 school days in which to request escalation to Stage 2 of the complaints process.

Escalation requests made outside of this timeframe do not have to be accepted. If the request is late, you will be asked to explain why you have taken longer than 10 school days to request escalation of your complaint to the next stage. If you do not provide any explanation or the school deems that the explanation given is not compelling or exceptional enough to warrant accepting the escalation request out of timescale, the school will confirm this in writing and take no further action.

Stage 2 - Trustees Complaint Panel Hearing

1. Request

If you are dissatisfied with the outcome at Stage 1 and wish to take the matter further, you can escalate the complaint to Stage 2, where the complaint is heard by a Panel of Trustees.

You must make a request to escalate to Stage 2 by sending an email to the Chair of Trustees or by sending a letter or completed form in accordance with Appendix 2 to the Chair of Trustees (or the Clerk to the Trustee Board if the complaint is about the Chair) via the school office. Please note that if the Chair of Trustees is unable to carry out the responsibilities below, then they may delegate them to the Vice Chair of Trustees.

This request must be made within 10 school days of the Stage 1 response being issued.

Stage 2 Panels will only consider complaints that have already been lodged and investigated at Stage 1. It is not an opportunity to raise new complaints. Any person wishing to raise a complaint at Stage 2 must first complete Stage 1 of the school's complaints process.

2. Acknowledgement

The Chair of Trustees (or the Clerk) will record the date the Stage 2 escalation request was received and acknowledge receipt of the request in writing (either by letter or email) within 3 school days.

3. Date of Panel Hearing

The Chair of Trustees (or the Clerk) will write to you to inform you of the date of the Stage 2 Complaints Panel Hearing. They will aim to convene a Panel within 20 school days of receipt of the Stage 2 request. If this is not possible, they will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates and without good reason, the Chair of Trustees (or the Clerk) will decide when the Panel Hearing will be. It is then permitted to proceed in your absence on the basis that the Panel will consider all written submissions from both parties. The Panel Hearing can also continue should either party fail to attend or leave part-way through.

4. Panel Membership

The Panel is comprised of three impartial Trustees, usually from the school's Trustee Board. In exceptional circumstances, however, a decision may be taken to use Trustees from other schools to make up the Panel.

Prior to the meeting, they will decide amongst themselves who will serve as the Chair of the Panel.

If there are fewer than three Trustees from Katherine Warrington school available (for example due to sickness or other prior commitments), the Chair of Trustees (or the Clerk) will source any additional, impartial Trustees through another local school or through the Local Authority's Trustee Services Unit, in order to make up the committee. On some occasions, a Panel comprised entirely of external Trustees may be convened to hear the complaint at Stage 2. This will depend on the circumstances of the complaint and the decision will be made by the Chair of Trustees (or the Clerk).

If the Chair of Trustees, or other Trustees, have been involved in earlier discussions to try and settle the disagreement at Stages 1 or 2, then they may not be on the Panel.

5. The Remit of the Panel

The Panel will consider the complaint and all of the evidence presented by both parties. The Panel can:

- uphold the complaint in full or in part.
- reject the complaint in full or in part.
- make a finding of No Judgement if there is insufficient evidence to reach a definitive conclusion.

The Panel will decide whether to deal with the complaint by inviting parties to a Hearing or by way of written representations, but in making their decision they will be sensitive to any needs you may have. The Hearing may take place with both parties present or attending separately at different times. Once again, this will depend on the circumstances of the complaint.

6. Evidence

All parties will be given the opportunity to submit written evidence to the panel in support of their position including:

- Documents
- Chronology and key dates
- Written statements setting out further detail.

At least 14 school days before the Hearing, the Chair of Trustees (or the Clerk) will request copies of any such evidence. All written evidence must then be received by the Chair of Trustees (or the Clerk) at least 7 school days before the meeting. Late evidence will not be accepted.

Any written material submitted will be circulated to all parties at least 5 school days before the date of the Hearing. The panel will not normally accept as evidence audio or video recordings of conversations that were obtained covertly and/or without the informed consent of all parties being recorded.

The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint that may have been included.

7. Attendance at the Hearing

At the Hearing, you may be accompanied by one friend or representative who may speak on your behalf. This person could be an interpreter of your choice and you are encouraged to do this, where necessary. If you would like to be accompanied at the hearing by more than one friend or representative, then you should request the agreement of the Panel not less than 10 school days prior to the hearing date. The decision of the Panel on this will be final.

Decisions as to the attendance of witnesses at the hearing will be made by the Panel; their decision shall be final and binding and you cannot insist that a witness attends the hearing.

The Complaints Panel will invite to the meeting, as a witness, any person who may,

in their opinion, help to establish the facts of the complaint. You will be told who will be asked to attend before the Hearing. In order to avoid a requirement that an unwieldy number of witnesses appears at the hearing, the Panel will seek signed statements from witnesses. These statements will be sent to you and the school before the hearing. The witnesses will only be required to attend the hearing if you or the school can show good reason for challenging their testimony – i.e. both that their testimony is critical to the case and that it may be contradicted.

Any member of staff required by Trustees to attend any meeting or the hearing will have the opportunity to be accompanied or represented.

A member of staff named in the complaint may also choose to attend, even if not required to do so by Trustees, and may be represented. If this happens, you will be told beforehand.

The Panel Hearing will be held in private. Electronic recording of the Hearing is not normally permitted unless a complainant's own disability or special needs require a reasonable adjustment to be made. You cannot insist on a Hearing being recorded without good reason. Prior knowledge and consent of all parties attending must be sought and obtained before recording of the Hearing can take place. Any request to audio or video record the meeting and whether this was consented to or not by all parties present should be documented in the Clerk's detailed notes of the Hearing. The final decision as to what reasonable adjustments will be made, if any, rests with the school.

Representatives from the media are not permitted to attend the Hearing.

8. The Hearing

The intention is for the Hearing to be as informal as possible. During the Hearing, you will be invited to explain your complaint and you can ask your witnesses to speak in your support. The Panel may question you and your witnesses to clarify the points being made.

The respondent on behalf of the school will then be asked to explain the school's actions and they may be followed by their own witnesses. Again, the panel may question the respondent to clarify the points being made.

After both parties have spoken, you will be asked to sum up your complaint. The respondent for the school will then sum up the school's actions and response to the complaint.

Both parties must then leave together while the Panel will decide on the issues.

9. Outcome

If the complaint is upheld in full or in part, the Panel will:

- Decide on the appropriate action to be taken to try and resolve the complaint.
- Where appropriate, recommend changes to the school's systems or procedures to

prevent the same or similar issues happening in the future.

The Panel will notify you in of the findings only (not the recommendations) within 5 school days of the Hearing date.

The report with findings, will, at the same time, be published to the Trustee Board as a confidential item and will, in addition, include any recommendations. A meeting of the Trustee Board must accept the findings, but can accept, reject, or reject in part the recommendations. Personal details will not be disclosed but an outline of the complaints hearing and findings will be given.

The Chair of Trustees will then write to you to confirm any actions agreed by the Trustee Board and how to complain further.

If a complaint is made regarding the behaviour or conduct of a member of staff and it is upheld in full or in part, this may result in some form of disciplinary action taking place. Where this is the case, you will be informed that the matter will be progressed through Staff Disciplinary Procedures, if appropriate, but the outcome(s) cannot be shared with you as this information is confidential between the employer and employee.

In the case of a Special Education Needs complaint, a copy of the report will be sent to the Headteacher and the Local Authority.

10. Further recourse

In most cases, it is expected that parental complaints will be satisfactorily resolved following Stage 2. If, however, you believe that the school did not handle your complaint correctly in accordance with this complaints policy and procedure or that it acted unlawfully or unreasonably in exercising its duties under education law, you can contact the Education and Skills Funding Agency.

The contact details for the Education and Skills Funding Agency are as follows:
Academies Central Unit (Academy Complaints)
Academy & Skills Funding Agency Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

Email: academyquestions@efa.education.gov.uk

Further information on how to complain to the ESFA can be found at:
<https://www.gov.uk/complain-about-school>

Parents/carers who remain dissatisfied (following the Stage 3 Hearing) may seek advice from the Children's Services Complaint helpline on 01992 588542.

Please note that as the school is an academy, it operates independently of the Local Authority and so the Local Authority is unable to investigate complaints.

How the school will handle complaints made by:

- A member of staff, about another member of staff or the Headteacher
- A member of the Trustee Board, about a member of staff
- A Trustee about another member of the Trustee Board
- A member of staff, about a member of the Trustee Board
- A member of staff, about the action/decision of the Trustee Board
- Members of the public (i.e. not parents)
- A parent whose child no longer attends the school
- Data Protection and Freedom of Information related matters

This Procedure essentially covers complaints made by parents or carers of children who attend the school, but it is important that schools do have in place written procedures for the above eventualities. All complaints should be made promptly and in any event it would not normally be necessary for the school to consider complaints made 3 months or more after the events. Any complaints raised after this period will be considered on a case-by-case basis.

Complaint made by one member of staff against another (including the Headteacher)

Complaints from members of staff are not covered by this Procedure. They will be dealt with by the Headteacher (where appropriate) or the Chair of Trustees informally in the first instance. If this approach fails to resolve the issue, the next step will be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance).

Complaint made by a Trustee about a member of staff

This will be dealt with through the Complaints Procedure outlined in this document. Clearly, the Trustee concerned will have to withdraw from any meeting at which the complaint or its outcome is being discussed. If the complaint is related to the *conduct* of a member of staff, it will be more appropriate to invoke the school's Disciplinary Procedures.

Complaint by a Trustee about another Trustee (including the Chair of Trustees)

Complaints by a Trustee about another Trustee should be dealt with informally in the first instance to try and resolve the matter as swiftly as possible. In most cases,

this should be handled by the Chair of Trustees. If, however, the complaint is about the Chair of Trustees, the Vice Chair of Trustees should handle the matter. Should it remain unresolved, a Panel of Trustees should be convened as per the guidance on process set out in this document to hear the complaint.

Should the Trustee handling the matter consider that it is not possible to convene a Panel of impartial Trustees, then it may be possible to convene a Panel comprised of Trustees from other schools. Should this situation ever arise, the Trustee handling the matter should contact school Governance on 01438 843082 for advice.

Trustees should be mindful of their behaviour and attitude throughout their time in the role.

Complaint by a member of staff against an individual Trustee acting in a personal capacity

The Chair of the Trustee Board (or the Vice-Chair if the complaint is against the Chair) will attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Trustee concerned, a Complaints Panel may be set up to consider the matter under the normal Complaints Procedure contained in this document.

Complaint by a member of staff against the action/decision of the Trustee Board

If the decision was taken at a meeting of the full Trustee Board, the matter will need to be put on the agenda for review at another meeting, and, if the decision is then confirmed, that will be the end of the matter. (For this reason, matters that could potentially lead to a complaint or appeal may be dealt with by a sub-committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Trustees). If a committee or individual with delegated authority took the original decision, then a Complaints Panel of people who were not involved in the decision should review the matter, ensuring that the member of staff concerned is given an opportunity to state his/her case to the Panel. Any decision by the Panel will be final.

Complaint by a member of the public (not a parent)

Complaints from members of the public are most likely to be dealt with by the Headteacher and, beyond that, the Chair of Trustees.

Complaint by a parent whose child no longer attends the school

The purpose of this Complaints Procedure is to ensure that, if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school, it is clearly impossible for the Trustee Board to put things right for that child. However, the Trustee Board has a duty of care to the students who remain on roll and it would be advisable for Trustees to investigate the circumstances to satisfy themselves

that no one acted inappropriately and that procedures and policies were followed correctly. Whilst it is not necessary to convene a Complaints Panel, it is good practice to inform parents as to whether the complaint has been upheld or otherwise, and of any changes to practice and procedures which have been agreed by the Trustee Board. If a child is removed from roll after a complaint has been made, it is at the discretion of the Chair of Trustees as to whether to proceed with a full Trustees Complaint Panel or a Trustee Review.

Complaints regarding compliance with Data Protection and Freedom of Information legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts. Should the school receive a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document will be followed.

Under this Complaints Procedure, any member of school staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They will also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for the school to follow in dealing with staff disciplinary matters. Therefore, if in the course of considering a complaint the Headteacher or Trustee Board concludes that disciplinary procedures should be initiated, they will take separate action.

Appendix 1

Roles and Responsibilities

Complainant

The person with the complaint (the complainant) should:

- Explain their complaint in full as swiftly as possible.
- Co-operate fully with the school to try and resolve the complaint.
- Respond promptly to requests for information or meetings.
- Agree the details of their complaint and their desired outcomes in a timely way if clarification is requested.
- Ask for assistance if or when needed.
- Treat everybody involved in their complaint and the complaints process with dignity and respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.
- Refrain from making allegations and threats.

If the complainant fails or refuses to follow the above, the school may have to suspend its consideration of their complaint, either temporarily or permanently, depending on the nature of the complainant's behaviour and how this affects the school's handling of the complaint. In such circumstances, the school also reserves the right to invoke its Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints (contained in Appendix 3).

Complaints Co-ordinator

This could be the Headteacher, a Designated Complaints Trustee or a member of School staff providing administrative support.

The Complaints Co-ordinator should:

- Ensure that the complainant is updated at each stage of the School's complaints process.
- Liaise with staff members, the Headteacher, the Chair of Trustees, the Clerk and any another relevant sources of information or support, to ensure a smooth and effective complaints process.
- Remain mindful of issues regarding:
 - Sharing third party information.
 - Additional support. This may be needed, for example, by complainants when making a complaint, including an Interpreter or where the complainant is a child or young person.
- Keep accurate records and store them securely.

Investigating Officer

This could be the Headteacher or another member of the school's Senior Leadership Team. The Investigating Officer's role is to establish the facts relevant to the

complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
 - Interviewing any staff, children, young people or any other people relevant to the complaint.
 - Consideration of records and other relevant information.
 - Analysing information.
 - Referring to any relevant school policies and procedures that apply.
- Liaising with the complainant as appropriate to try and identify how the complaint may best be resolved.

The Investigating Officer should:

- Conduct interviews with an open mind and be prepared to persist in their questioning if they deem this necessary.
- Keep notes of interviews or arrange for an independent note taker to document the meeting.
- Ensure that any papers produced during the investigation are kept securely pending further consideration of the complaint.
- Be mindful of the timescales to respond.
- If the Investigating Officer is somebody other than the Headteacher, then they should prepare a comprehensive report for the Headteacher or the Stage 2 Complaints Panel that sets out the facts, tries to identify solutions and makes recommendations to try and resolve the issues.

The Headteacher or Stage 2 Complaints Panel will then determine whether to uphold or reject the complaint in full or in part and communicate their finding(s) to the complainant, providing the appropriate escalation details.

Clerk to the Trustee Board

The Clerk is the point of contact for the complainant, the respondent on behalf of the school and the Stage 2 Complaints Panel. They should:

- Ensure that everybody involved in the complaints process is aware of their legal rights and responsibilities, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties if they are invited to attend (unless three proposed dates have been declined without good reason in which case the Clerk or the Chair of Trustees will decide when the Hearing will be). They should also ensure that the venue and proceedings are accessible for all attendees.
- Collate any written material relevant to the complaint (for example; the Stage 1 paperwork, the respondent on behalf of the school's submission, the complainant's submission and signed, dated witness statements) and send it to all parties in

advance of the meeting within an agreed timescale (including the Panel).

- Take detailed notes of the Stage 2 Complaints Panel Hearing.
- Provide a copy of their detailed notes to either or both parties if requested to do so.
- Notify both parties of the Panel's findings.

Chair of the Stage 2 Complaints Panel

The Chair of the Stage 2 Complaints Panel will be appointed in advance of the Hearing and should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the Hearing.
- The Hearing is conducted fairly and impartially, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- Complainants who may not be used to attending such Hearings are put at ease insofar as possible. This is particularly important if the complainant is a child or young person.
- The remit of the Complaints Panel is explained to both parties.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises, it would be useful to give everyone the opportunity to consider it and comment upon it. This may require an adjournment of the Hearing. New issues would need to be passed back for consideration at Stage 1 first.
- Both the complainant and the respondent on behalf of the school are given the opportunity to put forward their case and seek clarity, either through written submissions ahead of the Hearing or verbally in the Hearing itself.
- No cross questioning is permitted. All questioning is conducted by the Panel.
- The issues are addressed.
- Key findings of fact are made.
- The Panel is open-minded and acts independently.
- No member of the Panel has an external interest in the outcome of the proceedings or has had any involvement at an earlier stage of the complaints process.
- The Clerk takes detailed notes of the Hearing.
- They liaise with the Clerk whenever the need arises.

Stage 2 Complaints Panel Member

Stage 2 Complaints Panel Members should remain mindful that:

- The Hearing must be independent and impartial and should be seen to be so.
- No Trustee may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the Hearing should be to try and resolve the complaint and achieve reconciliation between the school and the complainant wherever possible.
- The complainant may not be satisfied with the outcome if the Panel does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous in a formal setting such as this.

- Parents and carers often feel emotional when discussing issues that affect their children.
- Extra care needs to be taken if the complainant is a child or young person and they are present during all or part of the Hearing.
- Careful consideration of the atmosphere and proceedings should be given to ensure that a child or young person does not feel intimidated.
- The Panel should respect the views of a child or young person and give them equal consideration to those of adults.
- If a child or young person is the complainant, the Panel should ask them in advance if any support is needed to help them present their complaint.
- Where a child or young person's parent or carer is the complainant, the Panel should give them the opportunity to say which parts of the meeting, if any, the child or young person would like to be present for.
- The complainant should be advised that it may not be agreed for a child or young person to attend a Hearing if the Panel considers that it is not in the child or young person's best interests.
- The welfare and best interests of the child or young person should remain at the forefront at all times.

Appendix 2

Formal Complaint Form

Name:		
Address:		
Postcode:		
Email address:		
Telephone No:	Day:	
	Evening:	
	Mobile:	
What is the nature of your complaint? (Please use additional sheets if needed)		

<p>Have you raised your issue(s) with your child's Class Teacher/Head of Year/SENCO at the informal stage? If so, when did you do this?</p>	<p>Yes (inc. date)</p>	<p>No</p>
<p>Have you complained to the Headteacher at Stage 1?</p>	<p>Yes (inc. date)</p>	<p>No</p>
<p>What happened when you complained to the Headteacher?</p>		
<p>What are your desired outcomes?</p>		
<p>Signed:</p>		
<p>Date:</p>		

Please return your completed complaint form to the school office either by email at admin@kwschool.co.uk or in hard copy format and it will be passed to the Headteacher or Chair of Trustees, depending on what stage the complaint is at and what it is regarding.

Appendix 3

Katherine Warrington school

Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints

Katherine Warrington school is committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Trustee Board has adopted.

We will not normally limit the amount of contact that parents, carers or complainants have with us; however, we do not expect our staff to tolerate unreasonable behaviour and we will take decisive action to protect staff from such behaviour, including any that we deem to be abusive, offensive or threatening.

We define unreasonable behaviour as that which affects the smooth and efficient running of the school on a daily basis, or that which hinders the school's consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints process at any stage.
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Seeks to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Department for Education (DFE).
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the school on an ongoing basis with varying time delays in between.
- Knowingly provides false information.

- Persistently approaches various individuals at the school, as well as the Local Authority, Ofsted and the Department for Education, etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publishes what the school deems to be inappropriate or unacceptable information on social media or other platforms.

Complainants should try to limit their communication with the school where it relates to their complaint, whilst the complaint is being progressed through the complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever possible, the Headteacher or Chair of Trustees will discuss any concerns with the Complainant/Parent/Carer about their behaviour informally before deciding to invoke this policy and procedure for managing persistent and vexatious behaviour and complaints.

If any unreasonable behaviour continues after the Headteacher or Chair of Trustees has spoken informally with the Complainant/Parent/Carer, the Headteacher will write to them. The Headteacher will confirm that the school deems their behaviour to be persistent and/or vexatious and will ask them to stop behaving in this way.

Wherever Complainants/Parents/Carers continue to contact Katherine Warrington school excessively, causing a significant level of disruption, the school will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of staff (e.g. the Headteacher).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contact with the school.
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Trustees will inform them in writing that the process has been exhausted, that the matter is now closed, and that the school will not enter into any further correspondence about it.

The decision of the Headteacher or Chair of Trustees to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the school's complaints process. This is because the decision will be reviewed by the Headteacher or Chair of Trustees after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher or Chair of Trustees reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the school deems acceptable, then communication restrictions will be lifted on the

proviso that should matters regress, the school reserves the right to reinstate the communication restrictions that previously applied.

In response to any serious incident of aggression or violence, we will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the school premises. Should we deem this necessary, we will ensure that we adhere to the guidance issued by the Department for Education (DFE) entitled [Controlling access to school premises](#).

We also reserve the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.