


## Complaints Policy & Procedure

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<b>Date for review</b>	March 2023	<b>Author</b>	Executive Headteacher

### 1. Scope

1.1 This policy and procedure covers complaints brought by parents or carers of children that are registered at the school or who have left, volunteers, members of the public and outside agencies about the provision of facilities or services delivered by Kingsmead and Newton's Walk (the School). This policy and procedure does not cover staff wishing to raise a concern or complaint – staff should raise concerns internally and where appropriate under the School Grievance Procedure or Whistleblowing Procedure.

There are certain exceptions to this where separate statutory or other procedures apply and complaints relating to these exceptions are not covered under this policy. These are listed at Appendix 1.

### 2. Principles

2.1 Kingsmead and Newton's Walk values the dignity of every individual and will apply this policy fairly, openly and consistently in line with its core values of RESPECT and SHINE. We will explore reasonable adjustments in applying this procedure to those with a disability.

2.2 It is always our intention to resolve matters at the earliest opportunity through discussion initially in the interests of all involved.

2.3 We will put the interests of the students above all else.

### 3. The difference between a concern and a complaint

3.1 A "concern" may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. The School welcomes constructive feedback about its services and recognises that we may not always get things right. We expect and encourage regular dialogue with our service users to resolve concerns at the earliest possible opportunity in order to improve how we operate.

3.2 A "complaint" may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*' and is more serious than a "concern" and may arise when a concern has not been addressed and/or agreed action has not been taken.

### 4. Resolving matters informally

4.1 A concern can be made in person, in writing, by email or by telephone and should be made informally initially. The matter may also be made by a third party acting on someone's behalf, as long as they have appropriate consent to do so.

4.2 Concerns should be raised informally directly with the person involved at the School, which could be the class teacher, other staff member or the Executive Headteacher in order to try to resolve the

concern and in our experience the vast majority of concerns are resolved informally. The School is committed to resolving concerns at the earliest stage and encourages and supports all those involved to engage informally prior to lodging a formal complaint. It is in everyone's interest that concerns are resolved at the earliest possible opportunity without escalating to the formal complaint procedure.

4.3 Please do not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints later in the procedure.

4.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. If this is the case the Executive Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

4.5 If, following dialogue with the School, the issue does remain unresolved, then the next step is to make a formal complaint. In this case, the School will attempt to resolve the issue through the stages outlined within the formal complaints procedure outlined below.

## 5. Resolving matters through the formal procedure

5.1 **Complaint Form** For ease of use and clarity in defining the complaint, a template form is included at Appendix 2. If you require help in completing the form, please contact the school business manager. You can also ask third party organisations such as the Citizens Advice to help you.

5.2 **Anonymous Complaints** We will not normally investigate anonymous complaints. However, the Executive Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5.3 **Timescales** You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply. We will set timescales for each stage of the procedure. However, if other bodies are investigating aspects of the complaint, for example the Police or Local Authority, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have concluded their investigations.

5.4 **Legal action** If a complainant commences legal action against the School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

5.5 **Complaints received outside of term time** We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

5.6 **Possible outcomes** At each stage in the procedure the outcome will be one of the following:

- we will acknowledge that the complaint is upheld in whole or in part; or
- we will conclude that the complaint is not upheld in whole or in part and provide reasons; and
- in addition we may offer one or more of the following:
  - an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event 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 school policies in light of the complaint;
- an apology.

5.7 **Withdrawing a complaint** If a complainant wishes to withdraw their complaint at any point, we will ask for this to be confirmed in writing.

5.8 **Reasonable adjustments** In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access this complaints procedure, for example, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please ask the School for assistance if required.

## 6. The Formal Stages

### Stage 1

Please raise your complaints either in person, in writing, by email or by telephone. Please use the form provided at Appendix 2 where possible and address your complaint via the School Office as follows:

6.1 **Complaints relating to services provided or actions of school staff** (except the Executive Headteacher) should be made in the first instance to Mike Pride, the Executive Headteacher via the school office. Please mark them as Private and Confidential.

6.2 **Complaints relating to the Executive Headteacher** should be addressed to Sandra Fletcher, Chair of Governors, via the school office. Please mark them as Private and Confidential.

6.3 **Complaints relating to the Chair of Governors**, any individual governor or the whole governing body should be addressed to Sharon Barker, Clerk to the Governing Body, via the school office. Please mark them as Private and Confidential.

6.4 **Acknowledgement and further information** The addressee will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the person appointed to investigate may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The investigator can consider whether a face to face meeting may be the most appropriate way of doing this and will arrange to meet with the complainant where appropriate.

### 6.5 **Who will investigate the Stage 1 complaint?**

If the complaint relates to the services provided by the School, the delivery of the curriculum or the actions of a member of staff other than the Executive Headteacher then the Executive Headteacher may investigate or may delegate the matter to another member of the school's senior leadership team.

If the complaint relates to the Executive Headteacher or any individual member of the governing body (including the Chair or Vice Chair) then a suitably skilled governor will be appointed to complete all the actions at Stage 1.

If the complaint relates jointly to the Chair and Vice Chair or the entire governing body or the majority of the governing body then an independent investigator will be appointed by the governing body.

6.6 **The Investigation** The investigator will if necessary:

- interview those involved in the matter and/or those who are complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation;
- at the conclusion of the investigation, provide a formal written response within 15 school days of receipt of the complaint.

If it has not been possible to meet this deadline, the investigator will provide the complainant with an update and revised response date.

6.7 **The Response** The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. It will include the outcome information detailed at 5.6 above and how to escalate the complaint to Stage 2 should the complainant remain dissatisfied with the outcome of Stage 1.

## Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's Complaints Committee, which will be formed of the first three, impartial, governors. This is the final stage of the complaints procedure.

6.8 **A request to escalate to Stage 2** must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 1 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

6.9 **The complaints committee** will consist of at least three governors with no prior involvement or knowledge of the complaint.

If the complaint is: jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body Stage 2 will be heard by a committee of independent governors.

Prior to the meeting, committee members will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Kingsmead and Newtons Walk available, the Clerk will source any additional, independent governors through another local school or through the Local Authority's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's wishes and needs. If the complainant is invited to attend the meeting, they may bring someone along to provide

support. This can be a relative or friend. We do not permit either party to bring legal representatives to the meeting.

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting; and
- ensure that any written material will be circulated to all parties at least 5 school days before the date of the meeting.

#### 6.10 **Complaints Committee protocols**

- The Committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The committee will not review any new complaints or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- The meeting will be held in private.
- Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- The committee will consider the complaint and all the evidence presented. The committee outcomes will be those listed in 5.6 above.
- The Chair of the Committee will provide the complainant and the School with a full explanation of their decision, the outcomes and the reason(s) for it, in writing, upto 15 school days of the meeting.
- The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the School.

6.11 **Next Steps** If the complainant believes the School did not handle their complaint in accordance with the School's published complaints procedure or they believe that the School acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Kingsmead and Newton's Walk. They will consider whether the School has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

## **UK GDPR and DPA Complaints**

All Staff must be aware of the complaints process. All complaints should be directed to the Data Protection Officer. If any member of staff is aware that a person wishes to complain they should direct the person to the school website and complaints policy and form.

The Data Protection Officer is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the schools have not dealt with your matter satisfactorily you can complaint to the Information Commissioner

By post:  
Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

## Complaints outside the scope of this policy

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	Derby City Council: <a href="mailto:admissions@derby.gov.uk">admissions@derby.gov.uk</a> 01332 642730 Derby City Council: <a href="https://www.derby.gov.uk/education-and-learning/special-education-needs-disabilities">https://www.derby.gov.uk/education-and-learning/special-education-needs-disabilities</a> Derby City Council: <a href="https://www.derby.gov.uk/education-and-learning">https://www.derby.gov.uk/education-and-learning</a>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have a serious concern, you may wish to contact the Derby and Derbyshire Safeguarding Partnership: <a href="https://www.ddscp.org.uk/worried-about-child">https://www.ddscp.org.uk/worried-about-child</a>  Or if a child is at immediate risk of harm then contact the Police on 999 or 101.
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	Raise concerns initially with the Local Authority Teacher for Exclusions: <a href="mailto:IYFA@derby.gov.uk">IYFA@derby.gov.uk</a>  Further information about raising concerns about exclusions can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. &lt;link to school behaviour policy&gt;.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. This can be accessed via the school website.  Other concerns may be raised with Ofsted: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 0300123 3155 or by writing to: Whistleblowing, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD  The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be investigated and dealt with under the school's internal disciplinary procedures, if appropriate.  Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> Complaints about the delivery of the curriculum are covered under this policy.

### Complaint Form

Please complete and return to the School Office addressed to the relevant person (see para 6. of the Complaints Policy and Procedure). The School will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it and the outcome of that discussion.</b>



**What actions do you feel might resolve the issue at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to for investigation:**

**Date:**

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible using the Complaints Form at Appendix 2;
- co-operate with the school in seeking a resolution to the complaint, clarifying what is needed to resolve the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect; and
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

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

- providing a comprehensive, open, transparent and fair and impartial consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information; and
  - analysing information;
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator will:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond and where the issues are complex allow more time for matters to be thoroughly investigated; and
- prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Executive Headteacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator**

The School will appoint a complaints co-ordinator who will:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Executive Headteacher, Chair of Governors, Clerk and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure;
- be aware of issues regarding:
  - sharing third party information;
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and will:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, 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) where possible and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- make a record of the proceedings;
- circulate the minutes of the meeting; and
- notify all parties of the committee's decision.

### **Complaints Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, will ensure that:

- all parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, 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 speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the committee is explained to the complainant;
- 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 which is relevant to the original complaint, give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- all relevant issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk and complaints co-ordinator.

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not uphold their complaint in full. It may only be possible to establish the facts and make recommendations;
- many complainants will feel nervous and inhibited in a formal setting;
- parents/carers often feel emotional when discussing an issue that affects their child;
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting;
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated;
- the committee should respect the views of the child/young person and give them equal consideration to those of adults;
- if the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint;
- where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests; and
- the welfare of the child/young person is paramount.

### Managing Serial and Unreasonable Complaints

Kingsmead and Newton's Walk (The 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 our 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.

The School defines unreasonable behaviour as that which hinders our 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 investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; or
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school to that which relates to their complaint, while the 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 Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months.

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 an individual from the School premises.