



# Complaints Policy

The King's School  
Cadhay Lane  
Ottery-St-Mary  
Devon  
EX11 1RA



## **1.0 Application:**

1.1 This policy applies to all concerns and complaints other than those relating to the following issues:

- Child Protection issues
- Exclusion of Children from School
- Admission Appeals
- Whistleblowing
- Staff Grievances and Disciplinary

1.2 Separate procedures apply to each of these exceptional cases.

## **2.0 Timescales:**

2.1 We aim to resolve any 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 policy, a "working day" is defined as a weekday during term time, when the School is open. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and students periodically.

2.2 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 if exceptional circumstances apply.

## **3.0 Policy Statement of Intent**

3.1 We aim to resolve all complaints at the earliest possible stage, and where possible, informally, and the School is dedicated to continuing to provide the highest quality of education possible throughout the procedure

3.2 This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

3.3 Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school 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 Once a complaint has been made, it can be resolved or withdrawn at any stage.

3.4 We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our school culture. We intend that parents and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at school. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

3.5 The School Business Manager will be the first point of contact when following the complaints procedure.

#### 4.0 **Stage 1: Concerns and Difficulties**

4.1 **Concerns:** We expect that most concerns, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the School's systems or equipment, or a billing error.

4.2 **Notification:** Please raise the concern initially as follows:

4.2.1 **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the Tutor, Head of Department or Deputy Headteacher - Inclusion, as appropriate.

4.2.2 **Pastoral care** – for concerns relating to matters outside the classroom, please speak or write to the Tutor, Head of House or Deputy Headteacher – Student Support, as appropriate.

4.2.3 **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it then, if not resolved, with the relevant Deputy Headteacher.

4.2.4 **Financial and administrative matters** – a query relating to fees or extras or to other administrative matters should be raised either with the Finance Office or the School Business Manager

Should an informal concern or complaint be raised with a member of staff other than those designated at item 4.2.1 to 4.2.4 above, he or she is asked to redirect it to the appropriate individual under this policy.

4.3 **Unresolved concerns:** A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

4.4 **Record of concerns:** In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## 5.0 **Stage 2: Formal complaints**

- 5.1 **Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the School's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details for the attention of the Headteacher or the School Business Manager, as appropriate. Should a formal written complaint be received by another member of the School's staff, he or she will immediately pass it to the Headteacher or the School Business Manager. A complaint form at Appendix 3 is available should the complainant wish to use it.
- 5.2 **Acknowledgement:** Your complaint will be acknowledged by telephone or in writing normally within *five working days* of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- 5.3 **Investigation and resolution:** The Headteacher or School Business Manager may deal with the matter personally or may ask a senior member of staff to act as "investigator" and/or may involve one or more Deputy Headteachers or Trustees. The investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Following appropriate investigation, the Headteacher, relevant Deputy Headteacher or School Business Manager will then notify you in writing of the decision and the reasons for it.
- 5.4 **Outcome:** The aim of the Headteacher, Deputy Headteacher or the School Business Manager would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within one calendar month from the receipt of the complaint. Please note that any complaint received during a School vacation or within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.
- 5.5 **Record of complaints.** The Headteacher, relevant Deputy Headteacher and the School Business Manager are responsible for keeping a log of all complaints received by or referred to them under this stage of the procedure. The log should provide a brief written summary of the name of the complainant, the date the complaint was received, the matter complained of, and the manner and date of its resolution. Written records will also be kept of any meetings and interviews held in relation to the complaint.

## 6.0 **Stage 3: Reference to the Chair**

- 6.1 Notification:** If you are dissatisfied with the decision of the Headteacher, Deputy Headteacher or the School Business Manager under Stage 2, your complaint may be renewed in writing to the Chair of the Board of Trustees. You should write to the Chair within five working days of receiving the decision. Your letter to the Chair should give full details of your complaint and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged within five working days during term time, indicating the action that is being taken and the likely timescale.
- 6.2 Action by the Chair:** The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the Chair is satisfied that they have established all the material facts and relevant policies, so far as is practicable, he/she will notify you in writing of their decision and the reasons for it. He/she will aim to provide a response within fifteen working days of receiving your letter but will inform the parents if this timescale will need to be increased. If you are not satisfied with the Chair's decision you may ask for the complaint to be referred to the Review Panel, by writing to the Clerk to the Trustees (see Appendix 1 below).

## 7.0 **Stage 4: Reference to the Review Panel**

- 7.1 Notification:** Only if you have been through the earlier stages of this procedure, and are dissatisfied with the decision that has been notified to you by the Chair, may you request a final hearing by a Review Panel. To request a hearing before the Review Panel, please write to the Clerk to the Trustees within five working days of the decision you wish to appeal. Your request will only be considered if you have completed the relevant procedures at Stages 1-3. Please ensure that copies of all relevant documents accompany your letter to the Clerk and state all the grounds for your complaint and the outcome that you desire. The Clerk will acknowledge your request in writing within five working days.
- 7.2 Review Panel:** The review will be undertaken by a panel of at least three members appointed on behalf of the Board of Trustees and selected by the Clerk to the Trustees. The Panel members will have no detailed previous knowledge of the case, will not include the Chair of Trustees, and one member will be independent of the management and running of the School. Fair consideration will be given to any bona fide objection to a particular member of the Panel.
- 7.3 Convening the Panel:** The Clerk to the Trustees will convene the Review Panel as soon as is reasonably practicable but the Panel will not normally sit during School holidays.
- 7.4 Notice of hearing:** Reasonable effort will be made to enable the Panel hearing to take place within ten working days of the receipt of your request. As soon as reasonably practical and in any event at least five working days before the hearing, the Clerk to the Trustees will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present.
- 7.5 Attendance:** You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend, who should not be legally qualified. Your child aged 13+ may attend part or all of the hearing at the discretion of the Chair. The Clerk to the Trustees or nominated deputy will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to the Trustees at least three clear days prior to the hearing.
- 7.6** The Chair of the Review Panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- 7.7 Adjourment:** The Chair of the Panel may at his/her discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 7.8 Decision:** After due consideration of the matters discussed at the hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within ten working days. Findings and recommendations will be provided to the complainant and, where relevant, the person complained about. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be made available for inspection on the school premises by the Board of Trustees.
- 7.9 Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a panel hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.

## **8.0** Next Steps

- 8.1** After the completion of Stage 4, if the complainant believes the school did not handle their complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education and Skills Funding Agency (ESFA) who handles complaints about Academies on behalf of the Department for Education.
- 8.2** The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The King's School. They will consider whether The King's School has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the ESFA online at: <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or by telephone on: 0370 000 2288 or you can write to:
- 8.3** Academy Complaints and Customer Insight Unit  
Education & Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT
- 8.4** You can complain to Ofsted if you think a school is not run properly. You must have already followed the school's complaints procedure. Details of for Ofsted are contained in Appendix 1.



## **9.0 Unreasonable Complaints**

- 9.1** The King's 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.
- 9.2** The King's 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 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
  - publishes unacceptable information on social media or other public forums.
- 9.3** Complainants should try to limit their communication with the school that 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.
- 9.4** Whenever possible, the Headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 9.5** If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The King's School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts. This will be reviewed after 12 months.
- 9.6** 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 King's School site.

## Appendix 1

### **Who to contact**

The School is inspected by Ofsted, an independent organisation which reports to the Government on schools. Parents and students have the right to contact an inspector if they have a complaint concerning a student's welfare. Ofsted will usually expect parents to have followed the School's formal complaints procedure before contacting them. However, you can report your concerns to Ofsted on 08456 404040 or you can write to the Ofsted Regional Office.

|                 |                        |  |
|-----------------|------------------------|--|
| Ofsted          | Headteacher:           | Mr Rob Gammon  |
| Freshford House | Chair of Trustees:     | Mr Steve Ellison   |
| Redcliffe Way   | Business Manager:      | Mr Laurence Evans  |
| Bristol         | Deputy Headteachers:   | Mrs P. Farrand, Mr M. Garrick, Miss E. Mower,<br>Mr N Twelves, |
| BS1 6LX         | Clerk to the Trustees: | Mr Laurence Evans  |

## Appendix 2

### The Remit of The Complaints Appeal Panel

The Board of Trustees may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel may choose their own chair.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any trustee sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of race, gender and religious affiliation. One member of the panel must be independent of the school.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The people sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The panel or group of trustees considering complaints will be clerked. The clerk would be the contact point for the complainant and be required to:

- 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 hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Board of Trustees or the Nominated Trustee**

The nominated trustee role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.



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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**