

COMPLAINTS POLICY: Members of the Public

Last update: January 2022

Introduction

Katharine Lady Berkeley's School (the "**School**") respects the right of members of the public to report any concerns they may have regarding the School's provision of services or, if they deem it necessary, to make complaint.

A concern may be defined as an expression of worry over an issue for which reassurances are sought from the School. The School will treat such concerns seriously and endeavour to provide that reassurance. A concern does not constitute a complaint.

A complaint is an expression of dissatisfaction by a member of the public (complainant). It is likely to arise if a complainant believes that the School has done something wrong, or has failed to do so something that it should have done or acted unfairly. A complaint may be made about the School as a whole, about a specific department or about an individual member of staff.

The procedures outlined in this policy do not apply to complaints from parents of pupils at the School for which there is a separate policy. For clarity, this policy does apply to parents of prospective pupils and pupils who have left the School.

The School will make this complaints procedure available on its website. It will also ensure that anyone who requests it is sent a copy of this document.

Expectations of the Complainant

The complainant will endeavour to:

- Inform the School of their complaint in full as early as possible;
- Co-operate with School staff investigating their complaint;
- Seek a resolution to their complaint in collaboration with the School; and
- Treat all members of staff involved in the complaint with respect and not act unreasonably at any time.

Complaints should be lodged within a reasonable time frame. The School may at its discretion not consider complaints lodged more than one month after the matter that gave rise to the complaint.

Expectations of the School

The School will endeavour to:

- Deal with complaints promptly;
- Resolve a complaint by informal means if possible;
- Be impartial;
- Ensure that a thorough investigation is carried out; and
- Provide redress where appropriate.

Recording Complaints

The School will keep a written record of all complaints and at what stage of the procedure they are resolved. The School will keep records of the following information:

- Date when the complaint was raised
- Name of complainant
- Description of the complaint
- Records of all the investigations
- Witness statements (if appropriate)
- Name of staff handling the issue at each stage
- Any action taken by the School as a result of the complaint
- Copies of all correspondence on the issue

The School will ensure, wherever possible, that third party information remains confidential.

Stage 1 - Informal Resolution

- 1.1 The School will endeavour to resolve most complaints quickly and informally.
- 1.2 At this stage, the complainant should contact the Deputy Headteacher who may designate an appropriate member of staff to investigate the complaint. The Deputy Headteacher may however decide, in their discretion, that the complaint is unlikely to be resolved informally so the complaint will be dealt with at the next stage as a formal complaint.
- 1.3 The investigator will gather information relevant to the complaint in order that they may clarify the matter. The complainant will usually be informed of the outcome of the complaint within 10 working days of receipt of their complaint during term time or as soon as practicable during holiday periods. The School may consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 1.4 The Deputy Headteacher can dismiss the complaint in whole or in part or uphold the complaint in whole or in part.
- 1.5 If the complaint is against the Headteacher, the complaint should be made directly to the Clerk to the Board of Trustees who will appoint a trustee (not the Chair of the Board of Trustees) to seek to investigate and resolve the complaint as above.
- 1.6 If the matter cannot be resolved to the complainants' satisfaction, then they will be advised that they can proceed with their complaint in accordance with Stage 2 of this procedure.

Stage 2 - Formal Resolution

- 2.1 If the complaint cannot be resolved informally, then the complainant should put their complaint in writing to the Headteacher (unless the complaint is about the Headteacher) within 5 working days of receiving the outcome of the informal complaint. The complainant may also be referred directly to this stage if the Deputy Headteacher has decided that the complaint is unlikely to be resolved informally. The Headteacher will then decide, after considering the complaint, the appropriate course of action to take.
- 2.2 In most cases, the Headteacher (or nominee) will meet or speak to the complainant, normally within seven days of receiving the complaint, to discuss the matter. Every attempt will be made to reach a resolution at this stage.
- 2.3 It may be necessary for the Headteacher (or nominee) to carry out further investigations.
- 2.4 The Headteacher (or nominee) will keep written records of all meetings and interviews held in relation to the complaint.

- 2.5 Once the Headteacher (or nominee) is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. The complainant will be informed of this decision in writing usually within 15 school days of the receipt of the formal complaint during term time and as soon as practicable during holiday periods. The Headteacher (or his nominee) will also give reasons for his decision.
- 2.6 The Headteacher (or nominee) can:
- Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 - Recommend changes to the Board of Trustees to ensure that similar issues do not recur.
- 2.7 If the complaint is against the Headteacher or a Trustee, the Chair of the Board of Trustees will call for a full report from the Headteacher/Trustee and for all the relevant documents. The Chair of the Board of Trustees may also call for a briefing from members of staff, and will in most cases, speak to or meet with the complainant to discuss the matter further. Once the Chair of the Board of Trustees is satisfied that, so far as is practicable, all of the relevant facts have been established, the complainant will be informed of the decision in writing. The Chair of the Board of Trustees will give reasons for their decision and can recommend changes as above. If the complaint is against the Chair of the Board of Trustees or the majority or all of the Board of Trustees, an independent investigator will consider and determine this complaint as set out in this paragraph.

Unreasonable Complaints

A complaint may be regarded as unreasonable if the complainant:

- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint;
- Repeatedly makes the same complaint and refuses to accept previous findings (despite investigations or responses concluding that the complaint is groundless or has been addressed); or
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the complainant acts:

- Maliciously;
- Aggressively, using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Making defamatory statements;
- Knowing it to be false; or
- Publishing information such as on social media websites and in newspapers.

Where, at any stage, a complaint is deemed by the Headteacher (or Chair of the Board of Trustees), to be unreasonable, the School may take any of the following actions:

- Implement a limited communications strategy;
- Advise that a third party act on the complainant's behalf; and/or
- Notify the complainant that the complaint procedure will not be implemented and that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the School may:

- Ask the complainant to leave the School premises;
- Inform the police; and/or
- Bar them from being on the School premises.

Further Action

If, following the formal procedure, the complainant remains dissatisfied and attempts to reopen the same or similar issues, the complaint will be viewed as serial or persistent. The Chair of the Board of Trustees will inform them in writing that all stages of the complaints procedure have been completed and that the matter is now closed. Any further contact from the complainant regarding the complaint will be ignored by the School. Any further request for information may be considered vexatious and, in line with Section 14(1) of the Freedom of Information Act 2000, the School will not comply with vexatious requests.

If a complainant wishes to take the complaint further, they must complete the form available at: www.education.gov.uk/contactus

The complaint will be directed to the Education and Skills Funding Agency (ESFA). The ESFA will consider complaints where there is:

- Undue delay or non-compliance with the School's own complaints procedure;
- Failure to comply with a duty imposed by virtue of the School's Funding Agreement;
- Failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

If the ESFA upholds a complaint then it will not overturn the decision taken by the School. It may do one or both of the following:

- Ask the School to reconsider the complaint from an appropriate stage; and/or
- Ask the School to change its complaints procedure so that it complies with legal requirements.

Review

The Board of Trustees will monitor the nature and frequency of formal complaints. This policy will be evaluated in the light of complaints made and their resolution in order to contribute to School improvement.

Handling complaints during the coronavirus (COVID-19 outbreak)

The Department for Education acknowledges that the pressures caused by coronavirus (COVID-19) might affect schools' usual processes and timescales for complaints. However, we will still consider complaints, particularly those relating to the provision of remote education.

Approved by The Full Trustees Body: January 2022
Next Review Date: January 2024