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KENT HEALTH NEEDS EDUCATION SERVICE

Complaints Procedure

We believe that our service provides a good education for all our children, and that the Executive Head Teacher and other staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there is a need for parent/carers to make a complaint.

Complaints can come to any school or service from a variety of sources. It is important that all complaints are seen to be handled fairly, and are considered under an open process that encourages dialogue with the complainant. The following policy sets out the procedure that the school follows in such cases.

Aims and objectives

KHNES aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

How to raise concerns or to make a complaint about the school

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's hub manager.

If you have a complaint that you feel should be looked at by the Executive Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Chair of the Management Committee. This will need to be in writing. Contact the main reception if you would like some help putting your complaint in writing, they can ask someone who does not work at the service to help with this if you wish.

If your complaint is about an action of the Executive Head Teacher personally, then you should also refer it to the Chair of the Management Committee. Contact details can be obtained from the service main reception or the website.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. The Service will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint. This process will be completed within 10 working days unless it proves impossible, in which case you will be notified that it will be completed within 20 working days.

Complaints Procedure

Resolving concerns informally

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the service wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.

- 1.4. If the matter is brought to the attention of the Executive Head Teacher s/he may decide to deal with the complaint. If the complaint is against the Executive Head Teacher the parent will be advised to contact the Chair of the Management Committee.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

Complaints Procedure Stage 1: investigation by the Executive Head Teacher/Chair of Management Committee

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The Service will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will include a copy of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.
- 2.2 The investigating officer will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.3 If necessary the investigating officer will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present.
- 2.4 The investigating officer will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the investigating officer will then produce a written response to the complainant, including a full explanation of the decision. Where appropriate, this will include what action the service will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the

Executive Head Teacher, or in case of complaint against the Executive Head Teacher, the Chair of Members within 20 working days of receiving the letter.

Stage 2: Review by the Management Committee

- 3.1 The Chair of the Management Committee will write to the complainant to acknowledge receipt of the written request for the Management Committee to review the complaint. The acknowledgement will inform the complainant that three members of the school's Management Committee will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members. The period of 20 days allows time for a panel of members to be convened and for relevant documents to be collected and distributed.
- 3.2 A meeting of the Members' Complaints Panel will be convened. No members with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Management Committee) to ensure the Panel can meet within the set time. Members should bear in mind the advantages of having a parent member on the panel, and will also be sensitive to issues of race and gender. The Executive Head Teacher will not sit on the Panel. An experienced member will chair the panel meeting.
- 3.3.1 The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.3.2 The Chair or Clerk to the Members will write and inform the complainant, Executive Head Teacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.3.3 The Executive Head Teacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Executive Head Teacher's report and the agenda, at least five working days prior to the meeting.
- 3.3.4 Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.
- 3.7 At the panel hearing:
 - The complainant will have the opportunity to present their complaint.

- The Executive Head Teacher will explain the service position.
- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Executive Head Teacher.
- The Executive Head Teacher will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel.
- The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

- 3.8 The Chair of the Panel will explain to the complainant and Executive Head Teacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Executive Head Teacher, other members of staff and witnesses will then leave.
- 3.9 The Panel will then consider the complaint and all the evidence presented and:
- Agree a decision on the complaint;
 - Decide upon the appropriate action to be taken to resolve the complaint; and
 - Where appropriate, suggest recommended changes to the service systems or procedures to ensure that problems of a similar nature do not recur.
- 3.10.1 A written statement clearly setting out the decision of the Panel must be sent to the complainant and Executive Head Teacher. The letter to the complainant should also advise how to take the complaint further.
- 3.10.2 The service should ensure that a copy of all correspondence and notes are kept on file in the service records. These records should be kept separately from the pupil's personal records.

Stage 3 The Secretary of State

4.1.1 Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school members first. There is more detail in the full Complaints Procedure, on the school's website or on the Department for Education website (www.education.gov.uk/schoolcomplaints).

Appendix 1:

KHNES Appendix to complaints procedure (June 2020) related to Serial Complaints

(references from DFE Guidance: <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#managing-serial-and-persistent-complaints>)

Intervention

The DFE will usually only intervene when it is expedient or practical to do so and a governing body or local authority has:

- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising education related functions

Any such intervention will usually be in accordance with the Secretary of State's powers under Sections 496 and 497 (and 497A in relation to LAs) of the Education Act 1996.

When considering a complaint, we review all the evidence provided to us, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by us, where appropriate, typically involves explaining the legislative framework and what it means in practice at the school level or recommending improvements to statutory school policies. However, in some instances it may be appropriate for the Secretary of State to intervene.

We do not take punitive action against schools when breaches of legislation or failures to adhere to statutory policies are identified. However, if serious failings are identified, we may share information about the complaint and our findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

General assistance

Schools and local authorities can contact us for general assistance on complaint handling by:

- calling the National Helpline on 0370 000 2288
- using DfE's [contact form](#)
- writing to us at the address below

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

We will not provide explicit advice on what a school should do, unless we are asked to provide a view on any relevant legislative underpinning, but we can explain what options may be open to a school to choose from.

We can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to our attention.

Managing serial and persistent complaints

You should do your best to be helpful to people who contact you with a:

- complaint or concern
- request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’ and you may choose not to respond. However, you should not mark a complaint as ‘serial’ before the complainant has completed the procedure, unless your published serial complaint criteria applies.

Under no circumstances should a complainant be marked as ‘serial’ for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

You may receive complaints you consider to be vexatious. The [Office of the Independent Adjudicator](#) defines the characteristics of a ‘frivolous’ or ‘vexatious’ complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Schools should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a ‘serial or persistent’ marking should be against the subject or complaint itself rather than the complainant.

Schools may find it useful to establish a policy for managing serial and unreasonable complaints, which we recommend is included in the school’s published procedure. We have published [non-statutory model policies](#) that you can use.

When to stop responding

The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:

- you have taken every reasonable step to address the complainant’s concerns

- the complainant has been given a clear statement of your position and their options
- the complainant contacts you repeatedly, making substantially the same points each time

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the [Information Commissioner's Office](#) for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach your local governor services team to ask for assistance.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once you've decided that it's appropriate to stop responding, you will need to inform the individual.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community. If an individual's behaviour is a cause for concern, they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to formally express their views on a decision to bar. 9

The headteacher's decision to bar should then be reviewed by either:

- the chair of governors
- a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

Once the school's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

[Controlling access to school premises](#) provides more guidance on access to school premises.



Appendix 2: Policy for managing serial and unreasonable complaints

Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

KHNES 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.

KHNES 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
- publishes unacceptable information on social media or other public forums.

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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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 [KHNES](#) 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 [KHNES](#).