



# Weald of Kent Grammar School

## Complaints (including Serial and Unreasonable Complaints) Policy

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## Purpose Introduction

Weald of Kent Grammar School is committed to addressing complaints fairly, efficiently, and in a timely manner. This policy outlines the procedures for handling complaints

This policy applies to complaints from parents and carers of current students. Complaints from individuals who are not parents or carers will be considered under Section 14 (Complaints from Non-Parents).

The School will endeavour to meet all time limits stated in this policy. Where it is not reasonably practicable to adhere to a specific timescale, the complainant will be informed of any revised deadlines.

It is expected that where a complaint relates to a student it will have been raised with the student's Form Tutor, Head of Year, Head of Department or member of the School Leadership Team before a request is made to deal with it under this policy.

Anonymous complaints will not normally be investigated unless there are exceptional circumstances, such as safeguarding concerns, where the Headteacher or Chair of Trustees may decide to take further action

The School recognises that some complainants may require additional support when accessing the complaints procedure. To ensure fair and equal access, reasonable adjustments will be made for complainants with disabilities, communication difficulties, or other access needs. Adjustments may include, but are not limited to:

- Providing documents in alternative formats
- Accepting complaints verbally or through an advocate where required and were agreed in advance
- Ensuring meeting locations are physically accessible or offering remote meeting options
- Offering translation or interpretation services where necessary.

Complainants requiring adjustments should contact the relevant school as soon as possible so that appropriate support can be arranged.

This policy does not apply to the following matters, which are covered by separate School policies:

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to schools</li></ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"><li>• Statutory assessments of special education needs</li></ul>	Concerns about statutory assessments of special educational needs should be raised directly with local authorities
<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 serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .

Exceptions	Who to contact
	<i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers 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>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<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>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>Withdrawal from the curriculum</li> </ul>	<p>Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.</p> <p>If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.</p> <p>The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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 completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Weald of Kent in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

## **Time scales**

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.

It should be noted that schools do not need to consider complaints made more than one year after the incident/situation. If a complaint is made about an issue that is over a year old we will write to the complainant explaining that this is the case and that we will take no further action.

## **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.

## **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Informal stage – Stage 1**

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage, via the most relevant person within school, such as a form tutor, teacher, head of year, head of department, member of the senior leadership team (SLT) or Headteacher. If at this informal stage the concern or complaint is directed to the Headteacher, then it will be redirected to the most appropriate staff member.

Most problems can be sorted out easily and swiftly if the school is made aware of them. Many issues can be resolved informally, without the need to use the formal stages of our complaints procedure. Weald of Kent takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

It is important that parents contact the school first with their concerns as soon as they have become apparent. Members of staff may invite parents in to meet with them and will usually take notes. Parents are able to ask for a copy of these notes.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher/a member of SLG will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred 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.

Complainants should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 4 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within a reasonable date of receipt of the complaint.

Should the complaint remain unresolved this should then be passed to the appropriate Senior Leader from SLG for further investigation.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Weald of Kent will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a formal concern or make a complaint - Stage 2

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. However, formal complaints should be made in writing, using the Complaint Form template at the end of this policy (appendix 1)

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office, or emailed to [school@wealdgs.org](mailto:school@wealdgs.org) using the Complaint Form. Please mark any communications as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Trustees, via the school office, or emailed to the governance professional (formerly known as the clerk to the governing body) at [clerk@wealdgs.org](mailto:clerk@wealdgs.org). Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole Trust board should be addressed the Governance Professional to the Board of Trustees via the school office or emailed to the governance professional at [clerk@wealdgs.org](mailto:clerk@wealdgs.org). Please mark them as Private and Confidential.

If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

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

### Stage 2 – Formal complaints procedure

On receipt of the Complaint Form, the Headteacher 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. Please note, school days are days in which the school is open to students.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face or virtual meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those 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 their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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. Where appropriate, it will include details of actions Weald of Kent will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the Trust board (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2 and

advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Complaints about the Headteacher or member of the Trust board must be made to the Governance Professional, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust board or
- the majority of the Trust board

Stage 2 will be considered by an independent investigator appointed by the Trust board. At the conclusion of their investigation, the independent investigator will provide a formal written response and advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

### **Complaint to Trustees - Stage 3**

If the parent's complaint at Stage 2 is still unresolved, parents should inform The Governance Professional (clerk@wealdgs.org). The Governance Professional will ensure the most appropriate member of the Trustee board investigates the matter.

The Governance Professional will acknowledge receipt of a formal complaint within 5 school working days and the appointed Trustee will respond to it in full within 20 school working days, or will inform the complainant how a complaint is being addressed and when to expect a response.

The appointed Trustee (or representative) will initially investigate the complaint and attempt to resolve the complaint through discussion with the Headteacher. They may contact professional advisors for advice and clarification. Once they have investigated the complaint and attempted to resolve it, they will write to the parent/complainant with their findings and outcome.

If the appointed Trustee (or representative) has been unable to resolve the complaint to the reasonable satisfaction of the parent or carer/complainant concerned, then the parent or carer/complainant may request that the complaint be heard by the Governing Body's Appeal Panel under Stage 4.

### **Appeal to Panel Committee - Stage 4**

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to an appeal panel committee hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to appeal, clearly stating the ground for appeal, must be made to the Governance Professional, via the school office, within 5 school days of receipt of the Stage 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Professional 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.

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of 2 proposed dates, without good reason, the Governance Professional 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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust board or
- the majority of the Trust board

Appeals will be heard by a committee made up of independent, co-opted Trustees, external independent partners or paid legal experts (at no cost to the complainant).

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 15 school days before the meeting, the Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. 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 also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

Prior to the meeting, they will decide amongst themselves who will act as the chair of the committee. 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 can elect to move to a primarily paper-based version of the hearing should there be local, regional or national restrictions or impediments that make this necessary. In this case, the final summing up will be held online, with evidence submitted according to an agreed timetable in advance.

The aim of the panel hearing will be to determine the way forward in order to resolve the complaint and achieve reconciliation between the school and the complainant. The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The committee will make its decision and the chair of the committee will provide the complainant and Weald of Kent with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

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. Where appropriate, it will include details of actions Weald of Kent will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Weald of Kent.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

### **Written records**

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Serial or Vexatious Complaints**

The School is committed to handling all complaints fairly and impartially while providing a high quality service to complainants. In most cases, there will be no restrictions on complainants' contact with our schools. However, staff should not have to tolerate unacceptable behaviour. The Trust will take action to protect staff from any behaviour that is abusive, offensive, or threatening.

The Trust defines a vexatious complaint as one that disrupts the complaints process due to the frequency, nature, or manner of the complainant's interactions with the school. A complaint may be deemed vexatious if the complainant:

#### **Failure to Engage Constructively**

- Does not clearly state the complaint, its grounds, or the desired outcome, despite offers of assistance
- ▪ Refuses to cooperate with the complaints investigation process
- ▪ Challenges matters that fall outside the scope of the complaints procedure.
- ▪ Alters the basis of the complaint as the investigation progresses
- Refuses to accept the outcome of a properly conducted investigation, including referrals to the Department for Education

### **Unreasonable or Disruptive Conduct**

- Places excessive demands on school staff through frequent, lengthy, or complex contact in person, by phone, or in writing.
- Raises a disproportionate number of trivial, excessive, or irrelevant issues, expecting formal consideration.
- Raises an unreasonable number of questions, demanding immediate and detailed responses to minor issues.
- Insists on procedures that are unreasonable or incompatible with the complaints policy and best practice.
- Seeks an unrealistic or disproportionate outcome that is beyond the school's reasonable control.

### **Inappropriate Behaviour Towards Staff**

- Engages in threatening, intimidating, abusive, offensive, or discriminatory behaviour towards staff (including verbal, written or physical).
- Unjustifiably criticises staff involved in handling the complaint and seeks their removal.
- Knowingly provides false or misleading information.

### **Public or Social Media Misuse**

- Posts defamatory, misleading, or inappropriate content about the complaint on social media or public forums. This includes 'closed' social media platforms such as WhatsApp.

### **Addressing Vexatious Complaints**

Where a complaint is deemed vexatious, the Trust reserves the right to limit or cease further communication on the matter, in accordance with this policy. The decision to stop responding will only be made if the following conditions are met:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been provided with a clear statement of the Trust's position and available options.
- The complainant continues to make repeated contact, raising substantially the same points each time.
- Additionally, the case for ceasing communication is strengthened if:
  - The complainant's communication is persistently abusive or aggressive.
  - They make personal, insulting remarks about staff or issue threats.
  - Their contact appears intended to cause disruption or inconvenience.

Whenever possible, the Headteacher or Chair of the Trust Board will attempt to address concerns informally before designating a complaint as vexatious. If the behaviour continues, the complainant will receive a written explanation stating that their conduct is unreasonable and requesting that they change their approach.

For complainants who continue to make excessive contact, causing significant disruption, the School may implement a communication protocol, which may include:

- Restricting the complainant to a single point of contact via a designated email address.
- Limiting the number of times they can make contact within a given period, such as a fixed number per term.

The implementation of a communication protocol will be reviewed after six months. However, any new complaint will be considered separately to ensure a fair and reasonable approach.

If a complainant's behaviour escalates to the point that may constitute harassment, the Trust will seek legal advice. In cases where individuals persist despite all reasonable measures, legal actions such as injunctions or court orders may be pursued to prevent further disruption.

Although the Trust's schools fulfil a public function, they remain private property, and the public does not have an automatic right of entry. If a complainant's behaviour becomes a cause for concern, the Headteacher may request that they leave the premises. In serious cases, the Trust may bar the individual from entering school premises entirely.

Before making such a decision, the complainant will be given an opportunity to formally express their views. The decision to bar will then be reviewed by the Chair of Trustees considering any representations made. If confirmed, the complainant will receive written notification stating:

- The duration of the bar.
- When the decision will be reviewed.

## **Complaint Outcomes**

The School is committed to ensuring that all complaints are resolved fairly, transparently, and in a timely manner. The possible outcomes of a complaint at any stage of the process may include, but are not limited to:

- **Complaint Upheld:** the complaint is fully upheld, meaning the school acknowledges that the issue raised was valid. Appropriate actions will be taken to address the issue and prevent recurrence.
- **Complaint Partially Upheld:** some aspects of the complaint are upheld, while others are not. In such cases, the response will explain which parts of the complaint were valid and outline any corrective measures.
- **Complaint Not Upheld:** the complaint is not upheld, meaning there is insufficient evidence to support the claims, or the school has acted appropriately within policies and procedures. A clear explanation will be provided.
- **Complaint Withdrawn:** the complainant chooses to withdraw their complaint at any stage of the process.
- **No Further Action:** after review, it may be determined that no further action is required, particularly if the matter has been resolved informally or falls outside the scope of this policy.

## **Actions Following a Complaint**

Where a complaint is upheld or partially upheld, the school will take appropriate action, which may include:

- An apology and acknowledgment of any errors.
- A review or change in policies or procedures.
- Additional staff training or guidance to prevent recurrence.
- Further investigation or referral to another relevant policy.
- Finality of Complaint Outcomes

Once a complaint has been fully considered through all stages of this policy, the outcome will be considered final. Complainants who remain dissatisfied may be directed to external bodies, such as the Department for Education (DfE) or Ofsted, where applicable.

## **Multiple Complaints about the same issue**

Occasionally, the school may become the focus of a campaign, receiving a large volume of complaints that:

- Are based on the same subject.
- Originate from complainants who are unconnected with the school. In such cases, the Trust may implement a streamlined process to manage these complaints efficiently while ensuring transparency and consistency in responses. This process may include:
  - Template Responses: sending a standardised response to all complainants addressing the concerns raised.
  - Public Statements: publishing a single response on the school's website to provide clear and accessible information.
  - Referral to the Department for Education: complainants who remain dissatisfied will continue to be signposted to the Department for Education for further consideration. This approach ensures that resources are allocated effectively while maintaining a fair and transparent complaints process. Any alternative complaint campaign management procedure will be explicitly stated on the Trust or school website.

## **Complaints from non-parents**

Complaints from individuals who are not parents, carers, or guardians of a student at Weald of Kent Grammar School will follow a simplified two-stage process:

### **Stage One: Informal Resolution**

Non-parents should raise their concern directly with the relevant school or Trust department. Wherever possible, the complaint will be addressed informally through discussion, clarification, or 13 a meeting with the appropriate staff member. A response will typically be provided within 10 school days.

### **Stage Two: Formal Complaint**

If the issue remains unresolved, the complainant may submit a formal complaint in writing to the Headteacher (for school-related matters) or the Chief Executive Officer (for Trust-wide matters).

Where the complaint is regarding the Headteacher, this should be submitted to the Chief Executive Officer. Where the complaint is regarding the Chief Executive Officer, this should be submitted to the Chair of Trust Board. An investigation will be conducted, and a written response provided within 15 school days.

There is no right to escalate non-parent complaints to a Stage Three Panel. If the complainant remains dissatisfied, they may refer the matter to an external body where applicable.

## Next Steps

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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Weald of Kent. They will consider whether Weald of Kent has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## Complaint Form

Please complete and return to the Headteacher or Governance Professional to the Board of Trustees c/o the school office ([school@wealdgs.org](mailto:school@wealdgs.org)) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Students's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**What actions do you feel might resolve the problem 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:**

**Action taken:**

**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
- co-operate with the school in seeking a solution to 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
- 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 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
  - 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 should:

- 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
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The 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 complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Trustees or the Governance Professional and 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.

### Governance Professional to the Trust Board

The Governance Professional is the contact point for the complainant and the committee and should:

- 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) 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
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

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

- both parties are asked (via the Governance Professional) 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 it would be useful to 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
- the 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 Governance Professional (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No Trustee 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 find in their favour. 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.

- the welfare of the child/young person is paramount.

### **Weald of Kent policy for managing serial and unreasonable complaints**

Weald of Kent 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.

Weald of Kent 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 or persistently 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 or aggressive tactics 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), to harass the recipient, as it could delay the outcome being reached.

### **Steps we will take**

Whenever possible, the Headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an '*unreasonable*' behaviour marking to the complaint or the complainant.

If the unreasonable behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

On occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied; if the complainant tries to reopen the same issue, we will inform them that the procedure has been completed and the matter is now closed and will not respond to any further communications from the complainant.

For complainants who excessively contact Weald of Kent 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.

- limit the number of times the complainant can make contact, such as a fixed number per term
- ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- put any other strategy in place as necessary

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 communicating with the school and/or attending school premises.

### **Stopping responding**

We may stop responding to the complainant when all of the following factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly making substantially the same points each time
- We believe the complainant's intention is to cause disruption or inconvenience
- The complainant's communications are always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards our staff

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.