

KMS Complaints Policy

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Executive Summary: This policy provides details of the core principles which underpin the organisation's approach to managing and dealing with complaints.

KMS believe Young people, their families, professionals and others involved in their care can make representations including complaints if they are dissatisfied with the quality of the services provided to them. Comments, compliments and complaints are an important part of the KMS quality assurance mechanism and contribute to the continuous review of the effective provision and performance of services.

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1. Introduction

KMS is committed to establishing a clear, simple and accessible complaints procedure, which aims to resolve issues as quickly as possible. The procedure is not intended to replace the normal informal discussions, which take place on a day-to-day basis regarding problems and concerns as they arise. It is only where the complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

We value positive relationships between students / parents / carers, external agencies and the community. These relations are based on mutual respect and a willingness to listen to other points of view. The purpose of our complaints procedure is to provide a structured framework for all concerned

to express and resolve concerns, thus providing an opportunity to inform, review and help improve KMS procedures.

Any concern or complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding. In all cases we put the interests of the student above all else.

2. Concerns and complaints – Definition

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 generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

(Best Practice Advice for School Complaints Procedures 2016 – DfE)

3. About this Policy

This policy has been developed after consulting:

- DfE School Complaints Procedure Guidance;
- The best practice of other local authorities;
- 'Running a Complaints System' (The Local Government Ombudsman);

After defining the key principles, this policy sets out the 5 separate stages of the complaints procedure itself.

4. General principles for KMS when dealing with a complaint

KMS will ensure that the following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- All stages of the complaints procedure will be investigatory rather than adversarial
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt and within agreed timescales
- The Complainant will be given adequate feedback and kept fully informed
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue
- Written records will be kept of all complaints

If an anonymous complaint is received, or the complainant requests anonymity, then the complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However, if the anonymous complaint is of a sufficiently serious nature then the Headteacher will decide whether action is appropriate.

If an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority.

5. Confidentiality

Complaints will be treated in accordance with the Data Protection regulations and KMS Confidentiality Policy. All correspondence, statements and records relating to complaints will be securely stored in

locked filing cabinets at the registered office. These will be kept confidential except where the Secretary of State or body conducting an Inspection under Section 163 of the 2002 Act requests access to them.

6. Recording Complaints

KMS acknowledge that any person may make a complaint about the provision, facilities or service provided by the school. In attempting to resolve concerns / complaints staff will take account of the complainants preferred method of communication and in doing so will accept complaints in person, by telephone, or in writing.

Notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where appropriate KMS will record the progress of the complaint and the final outcome. The School Centre Manager will be responsible for these records and will hold them centrally.

7. Timescales

KMS are committed to ensuring all complaints are considered and resolved as quickly and efficiently as possible. Details of the time limits are included within each stage of the process. Where further investigations are necessary the complainant will be advised of the revised deadline and provided with an explanation for the delay.

8. Complaints procedure

The following are the key stages of our complaints procedure

Stage 1 – An informal discussion

Stage 2 – Referral to Headteacher

Stage 3 – Referral to the school Operations Manager

Stage 4 – Referral to the Secretary of State for Education

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 3 and the KMS Operations Manager.

Stage 1 (informal)

KMS take all informal concerns seriously and endeavour to resolve these at the earliest stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the concern / complaint will escalate.

Initial concerns

All staff will make every effort to resolve problems informally. They will make sure that they understand what the complainant feels went wrong, and they will explain their own actions.

KMS will respect the views of the complainant who indicates that he/she would have difficulty discussing a concern / complaint with a particular member of staff, and alternative arrangements will be made.

Similarly, if the member of staff directly involved feels too compromised to deal with a concern / complaint, consideration will be given to referring the complainant to another staff member. The member of staff may be more senior. It is acknowledged that the ability to consider the concern / complaint objectively and impartially is crucial.

Stage 2 – Headteacher

If a complainant feels that a concern has not been solved through discussion with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the KMS Headteacher should be made, indicating that the appointment is regarding a complaint.

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or the School Development Manager, especially if there is the likelihood of a personnel issue emerging from the investigation. KMS promote the use of mediation in dealing with complaints at this stage as most complaints will be resolved at this time and ensuring both the complainant and the person being complained about are afforded the opportunity to discuss the issues as they see them.

The investigation will be completed within **10 school days** and a follow-on meeting held with the complainant to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the complaint may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Centre Manager.

If discussions between the Headteacher and the Complainant cannot resolve the issue to the Complainant's satisfaction, then the Headteacher will advise the Complainant that they may make a formal complaint to the Centre Manager **within 20 school days**.

Stage 3 – The Operations Manager

If the matter cannot be resolved, or where the complaint is about the Head Teacher then the complainant should write to the KMS Operations Manager to make a formal complaint.

This stage of the process will be undertaken by the Operations Manager whereby the primary function of this stage is to decide on the merits or otherwise of the complaint. However, the Operations Manager will also play an important role in attempting to resolve the complaint, and in reaching a decision on whether the complaint is upheld or rejected. This may include calling for certain action to be taken by the school or the complainant.

When a formal complaint is received by the KMS Operations Manager a letter of acknowledgement and a request for written evidence (verbal if necessary) will be sent to the Complainant **within 10 school days**.

The Operations Manager will convene the complaints meeting with a panel of three people who have not been involved in the complaint as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times. At least one member of the panel will be independent of the leadership and management of the school. Any written evidence will be circulated to all parties prior to any meetings. The panel will then meet with all parties, formally and separately if necessarily, and each

party may be accompanied by a friend or colleague who can speak on their behalf if necessary. It will also be the case that meetings will be minuted.

The decision reached will be notified by the Operations Manager in writing to the complainant **within 10 school days**.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. Where appropriate the Operations Manager may telephone the Complainant regarding the outcome, however this will always be followed up with a letter to make sure there is no misunderstanding.

It will be the KMS Operations Manager's responsibility to conduct the investigation, especially if there is the likelihood of a personnel issue emerging from the investigation.

The Operations Manager will make written notes of the complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome.

Stage 4 – Referral to the Secretary of State for Education

Complaints about KMS are almost always settled within the school, but in exceptional cases it may be possible to refer the problem to an outside body independent of the school.

If the complainant remains dissatisfied with the response by the Operations Manager they have the right to refer the matter to the Secretary of State for Education and Skills. Details as follows:

Secretary of State for Education

Department for Education

Sanctuary Buildings

Great Smith Street

London

SW1P 3BT

9. Resolving complaints

At each stage in the procedure KMS remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

10. What is not covered by the complaints policy

- **C**omplaints about the national curriculum entitlement and collective worship
- Student admissions

- Exclusions
- Issues relating to child protection
- Employee grievances/disciplinary/dismissal
- Criminal investigations
- Grievance procedure
- Complaints of financial improprieties or other criminal activities will be dealt with through our Whistleblowing Policy, if raised by staff

Appendix 1 Model letter to parents / carers informing them of KMS complaints procedure

Dear Parent/Carer

Compliments and complaints

We strive to be a school where you are more than satisfied with what we do to support your child, especially in difficult situations. When you think we do this particularly well, please let us know. Staff work hard for the students and we all want to recognise that.

Sometimes however you may have a concern. We hope that good communication would solve such a problem. Our aim is that by careful listening, constructive discussion and sensible actions we can work together to solve problems, and so improve our school systems further, but if the problem persists you may wish to make a complaint.

When should I complain?

If you believe that something is seriously wrong then make a complaint. We will investigate it and base what we do on the agreed policy.

Whom do I contact?

That depends on the particular situation. Often your child's class teacher or form tutor will be able to deal with the matter. More serious problems might require the intervention of a senior member of staff or the head teacher. Most problems can be solved in this way. A complaint about the conduct of the head teacher should go to the Centre Manager at the school address.

Certain specific complaints (e.g. about school admissions) are dealt with separately. Staff at the school or the local authority can advise you about where to direct your complaint.

What if the matter is still unresolved?

You should write to the head teacher, in the first instance, if you are dissatisfied with the handling of a complaint. The Head teacher will investigate the matter and may invite you and a friend if you wish to a meeting to talk about it.

After trying all other avenues, you may decide to make a formal complaint to the Operations Manager by sending a letter to the school address. The Operations Manager will investigate and may invite you to meet them to discuss your concerns.

In cases where you believe that the school has acted unlawfully or unreasonably, or failed to fulfil a statutory duty, you can take your complaint to the Secretary of State for Education and Skills.

All this looks very formal, but very few problems have to go through such steps because we work hard to understand and resolve problems as quickly as possible. In this way students of the school get the best possible chance to succeed in their learning.

Yours Sincerely

Appendix 2

- Example of a Complaint Form

| |
|--|
| Your name: |
| Pupil's name: |
| Your relationship to the pupil: |
| Address: |
| Postcode: |
| Day time telephone number: |
| Evening telephone number: |
| Please give details of your complaint. |

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

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:

Date:

- This policy was last reviewed and approved: **September 2019**
- The policy is scheduled for review: **September 2020**