



**KEN STIMPSON
COMMUNITY
SCHOOL**

COMPLAINTS POLICY

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Policy Cover Sheet

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Contents

Policy cover sheet.....	2
Dealing with concerns and Complaints.....	4
The responsibility of the School.....	4
Appendix 1.....	6
Complaints flowchart.....	10
Annex - 1 Complaint Form Notes.....	11
Complaint Form.....	12
Appendix 2 – Sharing your concerns A Parents Guide.....	14
Appendix Mediation.....	16
Unreasonable Complaints and Unreasonable Behaviour Policy.....	18

Dealing with Concerns and Complaints Complaints Policy for Schools

- The Governors at Ken Stimpson Community School are resolved to deal with complaints at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, the school must be clear about the procedures they will apply when they receive a complaint.
- Legally, the Local Authority has no grounds to engage in issues that are school related, but we do all want to have 'satisfied customers'.
- Ken Stimpson Community School need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
- In most cases the class teacher will receive the first approach. It is helpful when staff are able to resolve issues on the spot. This may include offering a clear explanation; in some cases accepting that a situation could have been handled better; in other cases an apology may be appropriate.

1. The Responsibility of the School

- From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England, have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicize.
- The Governing Body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. The Principal is responsible for making decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct complaints to the school rather than the Governing Body in the first instance.
- The procedure included as Appendix 1 is a good practice guide, which will apply to most general complaints received by schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

1.1 Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.

(see Peterborough City Council's Safeguarding Pupils Policy and the Model Disciplinary Procedure)

Separate procedures also exist for appeals about:

- special needs assessments
- school admissions /Admission Appeals Guide

- exclusions
- guidance on dealing with complaints linked to racism is contained in Peterborough City Council's Guidance to Schools on Dealing with Prejudice Related Incidents.
- It is in everyone's interest that complaints are dealt with speedily and effectively.

1.2 . Can parents take their complaint further?

- Parents cannot take their appeal further than the governing body. The Local Authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint. If a parent feels that the school has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education and Skills, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1 P 3BT.

1.3 Using the Complaints Procedure

- The resolution of a complaint can be an opportunity for the school to improve its practice and develop further a strong partnership with parents.
- It is desirable for any complaint to be addressed by a member of staff at a level closest to the cause of concern.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion and investigators should be sensitive to the feelings of those involved. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint need to be aware that some information may have to be shared in order to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.

1.4. Dealing with Complaints — Formal Procedures

- The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to respond to the issues raised by the complainant. They should be offered support if required to respond to any investigation into a complaint.
- If it becomes apparent that the complaint has the potential to be a disciplinary issue it is for the Principal or designated senior member of staff or, in the case of the Principal, the Chair of Governors or designated governor, to determine whether the disciplinary or capability procedures should be followed. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".

1.5. Vexatious Complainants – please refer to the unreasonable complaints policy

- There may be occasions when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complaint becomes vexatious (e.g. the complainant tries to re-open the same issue), the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. Please contact your legal advisors for advice if you intend to do this.

APPENDIX 1

Governors of Ken Stimpson Community School have adopted the following policy to deal with formal-complaints from members of the school community or general public

2. Dealing with concerns at the earliest opportunity

If parents, pupils or members of the public have concerns they should:

- Discuss their concerns with the member of staff most directly involved *and, if not satisfied;*
- Discuss their concerns with a senior member of staff *and, if not satisfied; (this stage will not apply in small schools)*

We expect the majority of concerns will be resolved in this way (and not recorded as a formal complaint). However if not the following formal procedure will be followed

- Discuss their concerns with the Principal. This is ***Stage 1 of the formal process***

2.1 At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an appropriate 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;
- a commitment to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.2 Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Governing Body

2.3 Principles informing our complaints procedure

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- allow a mediation process if agreed by the complainant
- allow for a hearing of a panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary

- provide information to the school's Senior Management Team so that services can be improved.
- Ensure a full and fair investigation by an independent person where necessary.

3. Making a Complaint to the Governing Body - Stage 2

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay.

The complainant will be asked to complete a complaint form (Annex 1) if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate

On receipt of the complaint form the Chair of Governors (or other governor) will:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

At this point the Chair of Governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Principal are willing for it to be tried. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

3.1. Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Principal another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Principal and complainant identify and build on areas of agreement
- It gives Principal and complainant a structure within which they can resolve remaining differences.
- If both complainant and Principal emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an acknowledgment that the complaint is invalid in whole or in part.
- an appropriate 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 acceptance that the complaint needs go no further
- a commitment to review school policies in light of the complaint

4. Appeals to the governing Body -- Complaints panel.

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

The Chairman will nominate a Governor or panel to hear the appeal if it proceeds.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Principal are given a fair hearing and that the panel arrives at its judgment without fear or favour.

Remit of the panel: the complaints panel can:

- dismiss the complaint in whole or in part.
- uphold the complaint in whole or in part.
- decide on the appropriate action to be taken to resolve the complaint, including legal action against the complainant if any part is libellous or vexatious.
- recommend changes to the school's systems or procedures to ensure problems of are addressed moving forward

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated - but cannot overturn the decision itself.
- Consider the thoroughness with which the Principal investigated a complaint about a member of staff — but cannot expect the Principal to provide details about confidential discussions with that staff member.
- Consider the manner in which a complaint about any decision was addressed ask for the decision to be reviewed — but cannot expect the Principal to have changed the decision.
- Consider and, if appropriate, identify limitations in a policy or procedures —but cannot make changes to the policy. (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy).
- Consider whether it should recommend that the governing body offer appropriate redress.

4.1. Format of a Panel Hearing

1. Complainant and Principal will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The Principal may question the complainant.
5. The panel will question the complainant.
6. The Principal is then invited to explain the school's actions.
7. The complainant may question the Principal.
8. The panel will question the Principal.
9. The complainant is then invited to sum up their complaint.
10. The Principal is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. Both parties leave together while the panel decides on the issues.
13. The clerk will remain with the panel to clarify any issues.

Notes

The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Principal must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Principal and complainant enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing — there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

Some notes on exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

5. The Chair of Governors may not be able to find three governors who have no prior knowledge of the case

If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge

If there are still insufficient governors able to sit on a panel, the governing body in consultation with the Local Authority or Diocese will put in place an alternative fair process.

Please consult Governor Services in the first instance on 01733 863642

A complaint to the governors' complaints panel will never be against a junior member of staff

(it may be against the way the Principal handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Principal. That would need to be considered very carefully but if agreed the senior manager would be 'the Principal' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the Chair of Governors — e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Principal' would be read as 'Chair of Governors'.

6. Writing the decision letter

The Clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Principal.

The letter should clearly express how seriously the panel considered the complaint.

The Clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

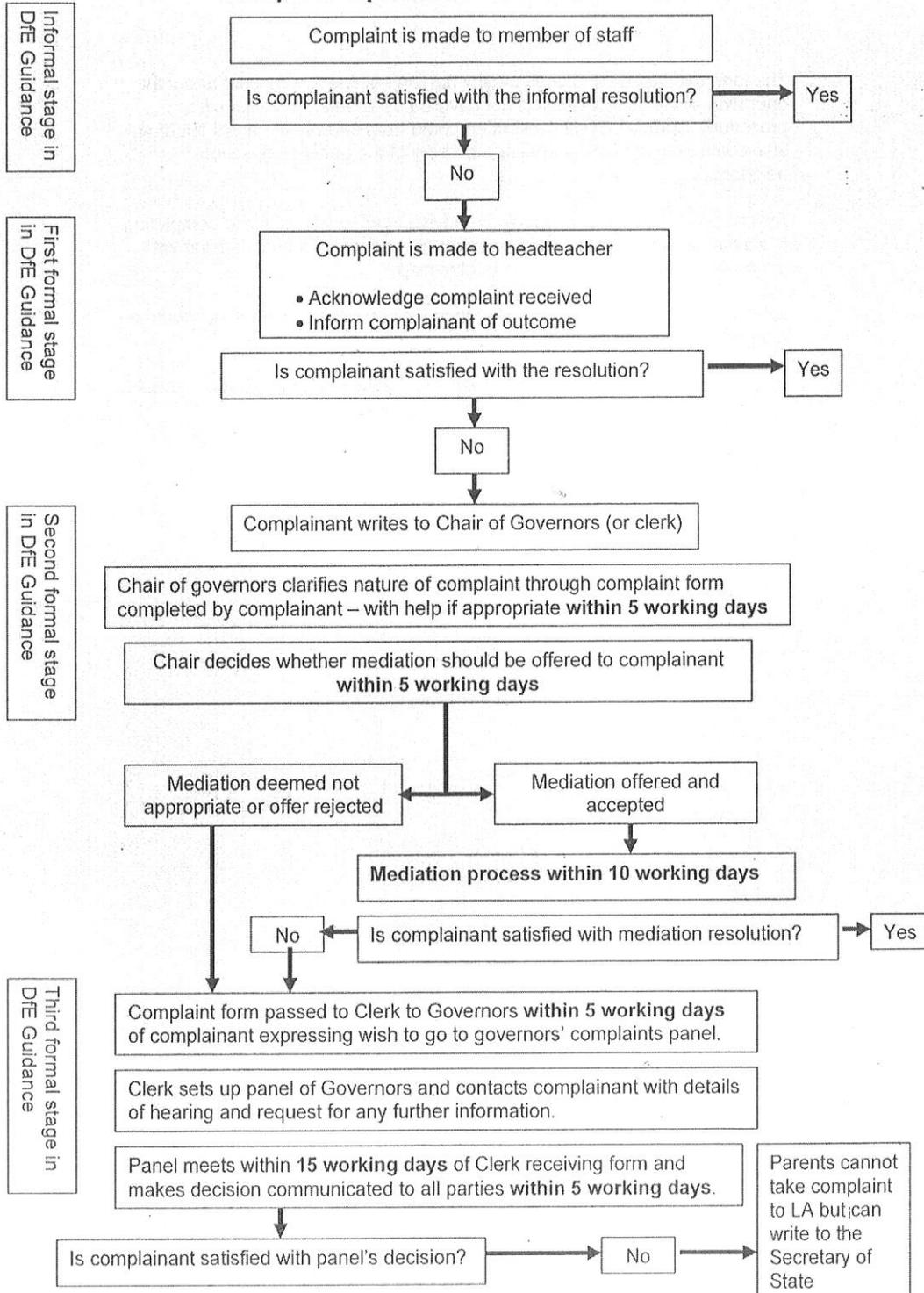
The Clerk should ensure that the letter reaches the complainant and the Principal by the deadline stated in your policy and/or in a statement by the chair at the end of the hearing — usually five working days.

7. Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

The flowchart overleaf summarises the complaints process.

Complaints process from start to finish



Annex 1 Complaint Form

Notes

The form overleaf must be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

School
Complaint Form

Please complete and return to.....

who will acknowledge receipt and explain what action will be taken.

Your name:.....

Address:.....

.....

.....

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

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 of acknowledgement sent:

By Whom:

Complaint referred to:

Date:

Appendix 2
Sharing your concerns about your child's education
A Parents' Guide

.....(School name)

recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education, you should contact.....(Name) at the school.

The school's governing body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Principal is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in school;

How do I complain to the school?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher (primary). This will be the form tutor, subject teacher, or head of year (secondary).

This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the Principal who will look into your concern.

If you are unhappy with the Principal's response you should write with your complaint to the Chair of Governors/Clerk to the Governing Body at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION' – Private and Confidential.

This is how your complaint will be handled

Within 5 working days the chair of governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the Principal explore possible resolution.

If mediation is agreed, the chair of governors will endeavour to set up the meeting **within 10 working days**. If that timescale is not possible you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Clerk will set up a panel of governors to meet **within 15 working days** of receipt of complaint form to consider your complaint. The clerk will provide details of the hearing and will request any further information you may wish to provide.

The complaints panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The panel will be supported by a clerk who will take notes during the hearing and will stay with the panel while they make their decision in case governors need to be reminded about responses to a particular question. The panel will hear the complaint impartially and make their decision based on the facts and the evidence they have been provided with.

Five working days before the hearing the clerk will send to you, the complainant, the Principal and the three panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing (which must be submitted to the clerk seven days before the hearing).

At the hearing,

1. You and the Principal will be invited into the room where the panel is being held at the same time. After introductions, you, the complainant will be invited to explain your complaint,
3. The Principal may question you
4. The panel will question you
5. The Principal will be invited to explain the school's actions
6. You, the complainant may question the Principal
7. The panel will question the Principal
8. The panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The Principal will then be invited to sum up the school's actions and response to the complaint.
11. The chair will explain that you and the Principal will hear from the panel **within five working days**.
12. Both you and the Principal will leave together while the panel decides on the issues.
13. The clerk will remain with the panel.

Can I take my complaint further?

You cannot take your complaint to the local authority. The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint. However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education
<http://www.education.gov.uk/heip/contactus/dfe>

Appendix Mediation

The benefits of mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Principal another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Principal and complainant explore and build on areas of agreement
- It gives Principal and complainant a structure within which they can resolve remaining differences.
- If both complainant and Principal emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- 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;
- a commitment to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution — it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed.

In-house mediation

Many Chairs of Governors and other Governors already have the skills — or can acquire the skills — to conduct a mediation process between their Principal and a complainant. The skills and attributes include:

- ability to listen impartially to both sides
- ability to control a dialogue so that both sides listen to each other
- ability to summarise the arguments and focus the dialogue
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved.
- understanding that mediation does not always work and there is a further step available to complainants.

If the governing body requires outside help

Governor Services offers a mediation service where a trained clerk, governor or adviser acts as mediator.

The mediation 'package' consists of the following elements:

- familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as appropriate. These may be 'face to face' or by telephone);
- a mediation meeting between the complainant and a representative of the school;
- a written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained clerk, governor or adviser not directly linked to the school in order to ensure complete impartiality.

This service can be accessed on a consultancy basis. The standard cost of the above package is a half day unit. Where the process of familiarisation with the background to the complaint indicates that a half day of consultancy is likely to be inadequate, the school will be advised of this fact before proceeding further.

**To access the mediation service contact Governor Services on
01733 863642**

Support and Training:

For advice or training in relation to the process please contact **Governor Services on
01733 863642**

Unreasonable Complainants and Unreasonable Behaviour Policy

Unreasonable Complainants

1. Ken Stimpson Community School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour under any circumstances and we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
 - 1.1. Ken Stimpson Community School defines unreasonable complainants as **‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’**. A complaint may be regarded as unreasonable when the person making the complaint:-
 - 1.1.1. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - 1.1.2. in the case of a complaint about a member of staff or student refuses to identify themselves or give sufficient detail about the issue;
 - 1.1.3. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
 - 1.1.4. refuses to accept that certain issues are not within the scope of a complaints procedure;
 - 1.1.5. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - 1.1.6. 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;
 - 1.1.7. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - 1.1.8. Attempts to illicitly record the meeting without the consent of all parties.
 - 1.1.9. changes the basis of the complaint as the investigation proceeds;
 - 1.1.10. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - 1.1.11. 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;
 - 1.1.12. seeks an unrealistic outcome; and/or
 - 1.1.13. makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
2. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-
 - maliciously;
 - aggressively;

- using threats, intimidation or violence;
 - using abusive, offensive or discriminatory language;
 - knowing it to be false;
 - using falsified information; and/or
 - publishing unacceptable information in a variety of media such as in social media websites and newspapers.
3. The school will not tolerate aggressive and abusive behavior towards its staff regardless of the feelings of the parents/carers. The school reserves the right to warn or even ban parents/carers if they are aggressive or verbally abusive to staff.
 4. The school will act if the complainant is aggressive and has the powers to either:
 - 4.1. Postpone/adjourn the meeting whilst agreed protocols put into place to ensure an amicable meeting takes place,
 - 4.2. To conclude meetings or conversations if the member of staff feels that they feel physically or verbally threatened.
 - 4.3. To conclude meetings or conversations if the member of staff feels that any of the above situations illustrated in paragraph 1.1 are being presented by the complainant.
 - 4.4. Only meet with the complainant on the condition that additional members of staff are present
 5. The school also reserves the right to check the parental responsibility of the adult and to decline the right to a meeting if the parental responsibility is not verified.
 6. The school will attempt to accommodate parental meetings at both parties mutual convenience, but will not beholden to the demands of meeting people at their convenience.
 7. Complainants should limit the numbers of communications with a school while a 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.
 8. Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
 9. If the behaviour continues the Principal, or at his instruction, a member of the Senior Leadership Team, will inform the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Ken Stimpson Community School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This may include, but is not limited to:
 - 9.1. a single point of contact in school;
 - 9.2. limited contact, at the school's discretion, which could be one telephone call a week; conversations may be minuted, at the discretion of the school.
 10. These procedures will be reviewed at least every year.

