



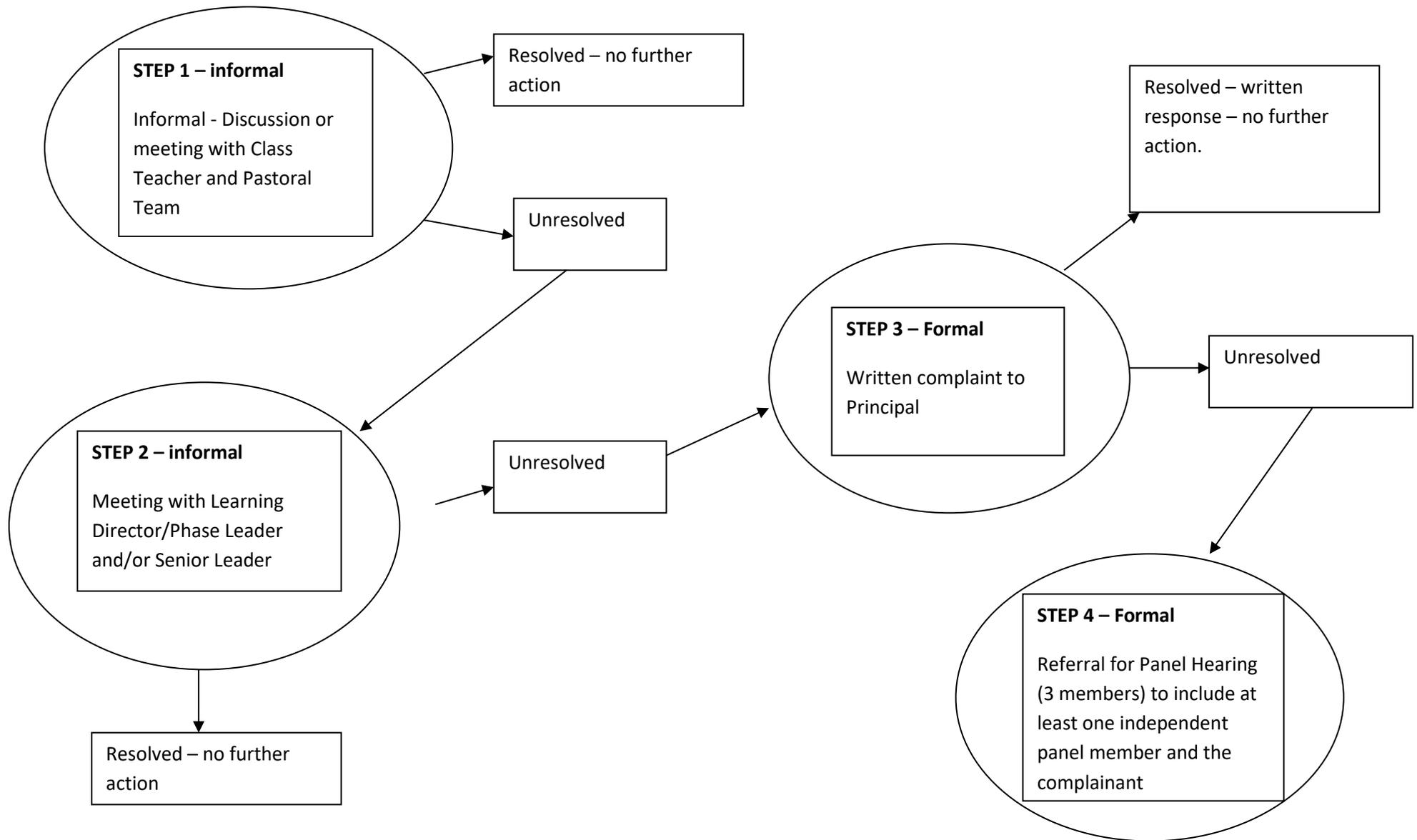
**Gippeswyk Community  
Educational Trust**

ACHIEVING SUCCESS TOGETHER

This Policy has been adopted and approved by Gippeswyk Community Educational Trust and is to be used by all members of the Trust.

<b>COMPLAINTS POLICY</b>	
Approved by GCET	01/05/2021
Date of next Review	Spring Term 2021-2022 ( <i>Two yearly – odd years</i> )
Responsible Officer	Head of MAT Standards - Mr D East
Policy Number	TH6

## Flowchart of procedure for handling concerns and complaints:



# OFFICIAL

## SCHOOL COMPLAINTS PROCEDURE

All Academies within the Trust are committed to providing the best education for our young people and wants our students to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

Academy governing bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. It is expected that all complaints will be referred to the Academy in the first instance. A flowchart to demonstrate the procedures is included in this policy. Each Academy must keep a record of the following

- A written record must be kept of every complaint at all stages of the school's procedure
- A written record is kept of actions taken by the school for each appropriate step as a result of any complaints which are raised with the Academy
- Any 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

This policy only fully applies to parents of registered pupils at Trust academies. If complaints are raised by persons other than parents, they will be dealt with under steps 1 and 2 of the formal policy.

This document explains that procedure, and the steps that it outlines should be referred to and followed by all pupils and their parents/carers whenever an issue arises that causes them concern. If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly, given an explanation and provided with revised timescales.

**This document does not apply to complaints where there is another route available to make representations or appeal. This includes:**

- pupil admissions
- pupil exclusions
- statutory assessments of special educational needs and education health and care plans
- appeals relating to internal assessment decisions for external qualifications
- disciplinary issues relating to members of staff
- matters likely to require a child protection investigation
- national curriculum content
- complaints about services provided by other providers who may use school premises or facilities
- school re-organisation proposals
- staff grievances
- staff conduct issues

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school as outlined in this document. Where the complaint

relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the school's safeguarding policies.

For more information on our Trust's provision for protecting our pupils, read our Safeguarding Policy.

Concerns or complaints should be brought to the Trust's attention as soon as possible to enable a proper investigation to take place. Any matter raised more than 12 months after the incident being complained of (or, where a series of associated incidents have occurred, within 12 months of the last of these incidents) will not be considered unless the Chief Executive Officer decides that there are exceptional circumstances relevant to the delay in bringing the complaint to the attention of the school.

Anonymous complaints will not be examined under this document.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

If governors are approached regarding a complaint, they should be mindful not to act outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a panel at later stage of the procedure. Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up to consider further action in the event that a serious complaint is substantiated.

The person(s) subject to any complaint, will be notified of the nature of the complaint (if appropriate) and any resolutions at the appropriate stages of the process prior to a formal hearing

### **STEP 1: Informal**

Please start by telling the class teacher or a member of the Pastoral Team about your concern. This is usually the best and quickest way of resolving issues:

- *It is recommended that you make an appointment to speak to the class teacher or **Leader of Learning** as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.*
- *It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straightaway.*
- *The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.*
- *It is good practice for the class teacher or Head of Year to make a brief written record of the concern raised and any actions agreed.*

**If your complaint is about a volunteer in the Academy, you must immediately raise this concern directly with the Principal**

**If your complaint is about a member of staff**, you should first raise this with the Principal either in person or in writing, and a meeting can be arranged with the Principal to discuss the issue at hand.

**If your complaint is about the Principal**, you should raise your concern in writing with the Chair of Governors.

If your complaint is about a Governor, you should raise your concern in writing with the clerk to the Governing Body.

If your complaint is about the CEO of the multi-academy trust, you should raise your complaint with the Chair of the MAT Trust Board. You will be advised how the complaint will be handled at this point.

If your complaint is about the MAT Trust Board, you should raise your complaint with the Clerk to the Board who will advise on how your complaint will be handled.

### **STEP 2: Informal: escalation**

If you feel dissatisfied with the outcome of discussions with the class teacher or Pastoral Team, please ask for an appointment to meet with the Learning Director/Phase Leader/Line Manager and/or Senior Leader within the Academy

- *The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher/pastoral team so far and any actions arising from the initial meeting.*
- *It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the nominated staff member will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.*

**It is hoped that most problems will have been resolved at this stage through the informal process.**

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### **STEP 3: Formal – complaint letter to the Principal**

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further, you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Principal. A formal letter in the complainant's home language would be acceptable. Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

- *A decision to move to the formal complaints procedure should not be taken lightly. In consideration of future home/school relationships, everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.*
- *The Principal will consider the complaint and in doing so should:*
  - ♦ *establish what has happened so far, and who has been involved;*
  - ♦ *clarify the nature of the complaint and what remains unresolved;*
  - ♦ *meet or contact you if they need further information;*
  - ♦ *clarify what you feel would put things right if this has not been set out in your letter;*
  - ♦ *interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish by a friend, relative or union representative (in the case of those complained about);*
  - ♦ *conduct any interview with an open mind and be prepared to persist in the questioning;*
  - ♦ *keep notes of any interview for the record.*
- *The Principal will keep in mind 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 which may be verbal or written according to the circumstances;*
  - ♦ *an explanation;*
  - ♦ *an admission that the situation could have been handled differently or better (NB this is not an admission of negligence);*
  - ♦ *an assurance that all reasonable steps will be taken to minimise the likelihood of it occurring again.*
  - ♦ *an explanation of the steps that have been taken to minimise the risk of this event happening in the future.*
  - ♦ *an undertaking to review policies in light of the complaint.*

It may also be the case that the complaint may not have any substance and is, therefore, considered to be unfounded or unsubstantiated.

- The Principal will discuss the outcome of their consideration of your complaint with you and should send a detailed written response within 20 working days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

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### **Concerns or complaints specifically about the Principal**

Where you are unhappy about the decision the Principal has made about your complaint, this does not become a complaint about the Principal. If you feel that the complaint has not been resolved, you should move to Step 4 of the procedure.

If you have a concern or complaint that is specifically about the Principal and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of Governors. The

school will provide you with the Chair of Governors' name and you should write to him or her at the school address, marking the envelope 'Urgent, Private and Confidential'. A formal letter in the complainant's home language would be acceptable. Upon receipt of this letter;

- *The Chair of Governors should acknowledge receipt of the letter within 5 working days.*
- *For complaints specifically about the Principal, the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator, and for the process set out in Step 3 to be followed.*

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#### **STEP 4: Making an Appeal**

Where the parent is not satisfied with the response to the complaint, a panel will be appointed to hear the case. This panel will be appointed by or on behalf of the school and will consist of at least three people who were not directly involved in the matters detailed in the complaint. This independent panel will have one panel member who is independent of the management and running of the school. This independent panel member will be appointed by the Chief Executive Officer of the Trust. The member(s) of staff cited in the complaint has/have the right to representation (if deemed appropriate) at this hearing. The complainant has the right to attend this panel hearing and be accompanied by a friend or relative.

The appeals panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel will consider how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

#### **Appeals procedure**

The Appeals Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The complainant and Principal will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The Principal and panel will question the complainant.
5. The Principal will explain the school's actions.
6. The complainant and panel will question the Principal.
7. The complainant will sum up their complaint.
8. The Principal will sum up the school's actions.
9. The chair will explain that both parties will hear from the panel within 10 working days.
10. Both parties will leave together while the panel decides.
11. The clerk will stay to assist the panel with its decision-making.

The clerk to governors will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

The chair of this panel will within 10 working days of this hearing;

- (a) Write to the complainant to inform them of the findings and recommendations of the panel hearing
- (b) Write to the person(s) complained about (if appropriate) to make them aware of the finding and recommendations of the panel hearing

- (c) Make a copy of the findings and recommendations on school premises. All correspondence, statements and records relating to this complaint are to 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, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them
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### **Concerns or complaints specifically about the Chair of Governor or any individual governor**

A complaint that is specifically about the conduct of an individual governor, and which has not been resolved at the informal stage, should be made in writing to the Chair of Governors.

A complaint about the conduct of the Chair of Governors, and which has not been resolved at the informal stage, should be made in writing to the Chair of Governors. The Chair of Governors will follow the most up to date guidance suggested by the National Governors Association (NGA). A copy of this guidance will be made available upon request to the Academy concerned. In the case of Academy schools, a complaint about the conduct of the Chair of Governors should be made in writing to the Academy Trust (contact details can be obtained from the school).

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### **Limitations, time-limits and vexatious complaints**

#### **Limitations within the policy:**

##### **Time Limits:**

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure will ordinarily be rejected if they are not brought within 12 months, unless there are exceptional circumstances. (Exceptional circumstances will be determined by the Principal/Chair of Governors on a case by case basis.)

##### **Safeguarding referrals:**

Schools have a duty to safeguard and promote the welfare of their students under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, using local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the GCET safeguarding policy.

##### **Allegations of abuse:**

Allegations of abuse (eg verbal and physical) against a member of school staff must be reported to the Principal immediately. Allegations of abuse against the Principal must be reported to the Chair of Governors immediately.

##### **Vexatious complaints:**

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all

stages of the procedure have been exhausted and the matters is considered closed, unless new evidence becomes available.

- complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances, the school will take the following actions:
  - a) verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and if it is not modified, action may be taken in accordance with this policy.
  - b) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable.
  - c) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that confidential notes will be taken at the meeting in the interests of all parties.
  - d) inform the complainant that, except in emergencies, all routine communication from the complainant to the school should be by letter only.
  - e) in the case of physical or verbal aggression, the matter will be reported to the police and the school will consider warning the complainant about being banned from the school site.

### **Complaint campaigns**

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject. Depending on the subject in question, the school may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school's website (as applicable).