

**Approved subject to ratification by GAET Board at meeting on 5<sup>th</sup> December 2016**

## 1 GREAT ACADEMIES STATEMENT OF INTENT

The Academy Trust is committed to providing a high quality education for its students in a secure and supportive environment.

Whilst all concerned strive to achieve their best for the welfare of the Academy Trust's students, it is appreciated that there may be occasions when parents/carers have concerns about their child's education or about particular incidents which have occurred at one of our Academies.

These procedures outline how to raise a concern and make a formal complaint and the various stages of the complaints process.

## 2 OUR AIMS

The Academy Trust aims to:

- ensure a consistent approach to concerns and complaints that arise;
- involve all stakeholders in the implementation and monitoring of this policy;
- ensure fair treatment for all, regardless of age, culture, disability, gender, religion or sexuality;
- support academy staff dealing with complex complaints.

## 3 OBJECTIVES

The objectives of the policy are to:

- encourage resolution of concerns by informal means wherever possible;
- encourage the person with the concern or complaint to say what can be done to resolve the issue;
- ensure the system to raise and resolve concerns and complaints is easily accessible, simple to understand and use;
- ensure the process is impartial and non-adversarial.
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation and an independent review where necessary.
- respect people's desire for confidentiality and maintain this where possible;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the academy's senior management team, governors and the Trust so that services can be improved.

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## 4 IMPLEMENTATION GUIDANCE

### 4.1 Raising a concern

In the event of a concern about a pupil or the academy, in the first instance, you should always address your concern to the member of staff who has direct responsibility for your child's welfare i.e. your child's teacher or form tutor. It is always best to make contact at an early stage so that any problems can be dealt with before they become bigger issues. Anyone who wishes to raise a concern may do so in person, by telephone or in writing, by letter, fax or e mail.

If possible, concerns will be dealt with immediately. In such circumstances the teacher will confirm acknowledgement of the concern and the action taken within the academy week. This may be in person, by telephone or in writing. All contacts will be recorded in academy, e.g. on the SIMs communication record.

If it is not possible or appropriate to deal with the concern there and then a letter of acknowledgement will be sent within the academy week. An assessment will then be made about the nature and seriousness of the concern and the action that should be taken to remedy the situation. A decision will be reached and a response made within 3 further academy days.

### 4.2 Complaints Procedure

#### 4.2.1 Stage 1 - Investigation

If you are not satisfied with the response you have received from your child's teacher the complaint may be progressed to Stage 1 of the formal complaints procedure. At this stage you should speak or write to the Academy's Complaints Coordinator. The Academy's Complaints Coordinator will identify an appropriate person to investigate your complaint. This may be member of the relevant Academy's Management/Leadership team. An appointment will be made within 5 academy days. Confirmation of the appointment will be given in writing; at this stage of the procedure, you will also be asked to put your concerns in writing if you have not already done so. A form to support this may be used, an example is given in Appendix 2.

Following the meeting with the person investigating your complaint, a response/decision will be given in writing within 3 academy days.

#### 4.2.2 Stage 2 – Involving the Principal

If you are not satisfied with the response you have received from Stage 1, the complaint may be progressed to Stage 2 of the formal complaints procedure. At this stage you should speak or write to the Principal. The Principal may ask you to make an appointment to meet with him/her. The Principal will investigate the way in which your complaint has been handled and the actions taken and will respond to you in writing within 3 academy days.

#### 4.2.3 Stage 3 – Governor Panel

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If you are not satisfied with the response you have received at Stage 2, the complaint may be progressed to Stage 3. If you wish to pursue your complaint further, you have the opportunity of a formal hearing before a Complaints Panel of the Governing Body. Stage 3 complaints should be addressed to the Chair of the Governing Body. Receipt of the request will be acknowledged within 1 school day.

The Governing Body will not interfere with the Principal’s day-to-day management of the Academy, but will investigate whether your complaint has been dealt with in an appropriate manner.

A hearing will be set up within 10 school days. A panel of 3 members, 2 or 3 of whom may be Governors, will be set up. The third member may be a governor from one of the Trust’s other schools, or a representative of the Trust (Great Academies Education Trust) or the Sponsor (New Charter Group). The complainant may be accompanied at the Stage 3 hearing by one other person. If the complainant wishes to be accompanied they should confirm details 2 school days prior to the hearing.

The decision of the panel (including their findings and recommendations) will be given in writing to the complainant and where applicable, the person against which the complaint was made within 3 school days.

#### 4.3 Role of Department for Education

The Department for Education will not consider a complaint that has not first been through the school’s own procedures. In the unlikely event that a complaint remains dissatisfied with the outcome or process, the complainant is entitled to contact the Department for Education:

<https://www.education.gov.uk/form/school-complaints-form>

Department for Education  
 Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD

#### 4.4 Complaints against a Principal

Complaints against a Principal should in the first instance be sent to the Chair of Governors, who will arrange for the matter to be heard.

#### 4.5 Recording Complaints

Written records of all complaints, investigations and outcomes will be confidentially maintained by the Academy Trust except where access is requested by the Secretary of State or a body conducting an inspection under section 163 of the 2002 Education Act.

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#### 4.6 Serial/Unreasonable Complaints

The procedure for dealing with serial or unreasonable complaints is described in Appendix 1.

#### 4.7 Monitoring, Evaluation and Review

An anonymous analysis of all formal complaints will be reported to the Academy Trust Board on a regular basis, together with recommendations regarding any changes necessary to the Academy Trust's Complaints Procedures.

### 5. ROLES AND RESPONSIBILITIES

#### Great Academies Education Trust

- Monitors and evaluates anonymised information regarding formal complaints on an annual basis
- Considers changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

#### Governing Body

- Undertakes panel hearings as described in 4.2.3 above
- Monitors and evaluates anonymised information regarding formal complaints on a termly basis
- Considers changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

#### Governor Panel

The 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;
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- a. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the GB will ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
  - b. The aim of the hearing, held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in favour. It

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may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- c. The GB acknowledges that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- d. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel will be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.
- f. The chair of the panel seeks support and/or specialist advice from the Trust if appropriate

### **Clerk to the governor panel**

The clerk will be the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Share notes / minutes of the meeting.
- Notify all parties of the panel's decision.

### **Principal**

- Hears Stage 2 complaints as described in 4.2.2 above
- Seeks support and/or specialist advice from the Trust if appropriate

### **School Complaints Coordinator**

#### **Stage 1 Complaints**

- Establishes what has happened so far, and who has been involved;
- Clarifies the nature of the complaint and what remains unresolved;
- Speaks to the complainant (if further information is necessary);
- Clarifies what the complainant feels would put things right;
- Identifies an appropriate person to investigate;
- Seeks support and/or specialist advice from the Trust if appropriate

#### **All complaints**

- Keeps a record of the progress of all formal complaints;
- Produces an anonymised report on complaints for the governing body.

### **Investigator**

#### **Stage 1 Complaints**

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- Interviews those involved in the matter, allowing them to be accompanied if they wish;
- Conducts interviews with an open mind and is prepared to persist in the questioning;
- Keeps notes of the interview or arrange for an independent note taker to record the minutes of the meeting;
- Prepares a response to the complaint.

### **Class teacher/Form tutor**

#### Concerns

- Deals with concerns as described in 4.1 above

## **6 EQUALITY**

Great Academies Education Trust ensures that all pupils have equal access to the full range of educational opportunities provided. We do not discriminate against anyone on the grounds of their sex, race, colour, religion, nationality, ethnic or national origins. This is line with the 1976 Race Relations Act and covers both direct and indirect discrimination.

## **7 MONITORING, EVALUATION AND REVIEW**

This policy should be read in conjunction with;

Great Academies Education Trust Policies including:

- Safeguarding and Child protection
- Behaviour
- Anti-Bullying
- Staff Discipline
- Whistleblowing

DfE Best Practice Advice for School Complaints Procedures 2016

DfE Understanding and dealing with issues relating to parental responsibility

Date

Date for next review

## **8 SOURCES CONSULTED**

DfE Best Practice Advice for School Complaints Procedures 2016

The Equality Act 2010

The Equality Duty 2011

The Key for School Leaders, complaints policy checklist

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**Appendix 1 Procedure for dealing with serial or unreasonable complaints**

Great Academies Education Trust 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 and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Great Academies Education Trust 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:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 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;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, 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.

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;

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- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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.

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

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the academy premises.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal or the Academy Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

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**Appendix 2 Great Academies Education Trust Complaint Form**

Please complete and return to The Complaints Co-ordinator at the academy, who will acknowledge receipt and explain what action will be taken.

Your name
Pupil's name
Your relationship to the pupil
Address
Daytime telephone number
Evening telephone number
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 and date
<b>Official use only:</b> Complaint tracking

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**Appendix 3**

**Middleton Technology School**

**Concerns: How to contact your child's form tutor**

**Complaints Stage 1: How to contact the academy's complaints coordinator**

**Complaints Stage 2: How to escalate your complaint to Stage 2**

**Complaints Stage 3: How to escalate your complaint to Stage 3**

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