

# Complaints Policy

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# COMPLAINTS POLICY

## 1. INTRODUCTION

- 1.1. Every well governed and well managed academy/college will, from time to time, inevitably have to deal with complaints from parents. The governing body must ensure, therefore, that proper procedures are in place.
- 1.2. This policy should not be used to deal with complaints relating to:
- Admissions
  - Statutory assessments of Special Educational Needs and Disabilities (SEND)
  - Academy re-organisation proposals
  - Complaints about services from other providers who may use academy premises or facilities
  - Exclusion – refer to the academy's exclusion policy
  - Whistleblowing – refer to the academy's whistleblowing policy
  - Disciplinary allegations against members of staff – these matters will invoke the academy's internal disciplinary procedures. Complainants will not be informed of the outcome of any investigation.

At any stage within the complaints procedure a decision may be made, based upon details of the complaint, to refer it to a different procedure.

- 1.3. Complaints should be lodged promptly or at least within 2 calendar months of the incident. If a complaint is received after this time, unless there are exceptional circumstances, the academy will take no further action.
- 1.4. There are no regulations which prescribe governors' involvement in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day to day operational involvement, should remain paramount. Governors need to avoid prior knowledge of any issues which might later be considered by an appeal panel of governors.

## 2. STAGE ONE ('Informal' resolution)

- 2.1. Parents/carers should feel free to raise their concerns with the class teacher, form tutor or other appropriate member of staff either in person, by telephone or in writing, including by email in order to seek a resolution to a complaint.
- 2.2. The academy/college is committed to responding as quickly as possible to any issues raised i.e. members of staff will listen to parents' concerns and seek to reach a speedy and satisfactory resolution.
- 2.3. If a complaint is raised directly with the Principal, it is likely the Principal will forward the complaint to the most appropriate member of staff in the academy for it to be addressed.

- 2.4. Complainants will, where possible, be acknowledged within 48 hours and will receive a response to their concern within 4 school days. If it is not possible to meet this deadline they will be informed of when a response will be made.
- 2.5. If, after attempting to resolve the issue within stage one, a complainant remains dissatisfied with the outcome they will be provided with information about the Trust's formal complaints procedure and will enter stage two. If, at any time, the Principal feels that the complaint requires a formal investigation the complaint will be moved to stage two of the complaints policy.
- 2.6. Exceptions – Where the complaint is about the Principal, the complaint should be put in writing for the attention of the Executive Principal of The GORSE Academies Trust. The Executive Principal will review the complaint. If it is decided that the complaint requires a formal investigation the complaint will be referred to the Chair of Governors of the academy and will be referred to stage two of the complaints policy.
- 2.7. Any complaint about the conduct of the Executive Principal should be made in writing to the Chair of The GORSE Academies Trust.

### **3. STAGE TWO ('Formal' resolution)**

- 3.1. Stage two is for complaints that have already been viewed within stage one of the complaints policy or for complaints which have been moved to stage two by the Principal/Chair of Governors/Executive Principal or Chair of the Board of The GORSE Academies Trust.
- 3.2. If a complainant is dissatisfied with the outcome of stage one, the complainant should put their complaint in writing to the Principal outlining the grounds for formal investigation. The complainant should:
  - 3.2.1. Set out in reasonable detail the nature of the complaint and any unresolved issues;
  - 3.2.2. Clarify what actions they believe would put things right.
- 3.3. Receipt of the complaint will be acknowledged in writing within 5 school days and will specify who has been appointed as the Investigating Officer.
- 3.4. The investigating officer will be a senior member of staff, who has had no prior involvement with the complaint. This allows the Principal to retain a degree of detachment and independence from the complaint.
- 3.5. During the investigation the investigating officer will contact the complainant to clarify the details of the complaint and the methodology that will be used to investigate the complaint.
- 3.6. The complainant will be allowed the opportunity to meet with the investigating officer and to be accompanied by a friend or relative to speak on their behalf or help them make their case.
- 3.7. The investigating officer will interview relevant witnesses and take statements from those involved.
- 3.8. If the complaint involves a student, he/she should also be interviewed, normally with a parent/carer present. In some cases this might not be possible and a

member of staff with whom the pupil feels comfortable e.g. learning mentor, will attend the interview.

- 3.9. The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.
- 3.10. A full written response will be made to the complainant within 20 school days of the written complaint being received in accordance with paragraph 3.2. Outcomes to a complaint may include:
  - 3.10.1 A finding that the complaint requires no further action;
  - 3.10.2 A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld;
  - 3.10.3 An acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence);
  - 3.10.4 An apology;
  - 3.10.5 An explanation of the steps that have been taken to ensure it will not happen again;
  - 3.10.6 An undertaking to review academy or Trust procedures in light of the complaint.
- 3.11. The complainant will be advised that if they are dissatisfied with the outcome they may refer the matter to the governing body (go to Stage Three). This should be done by writing to the Chair of Governors within 10 school days of receipt of the letter informing the complainant of the outcome of stage two. Where there is a delay in submitting an appeal without good reason, the Chair of Governors may decide that the appeal is out of time and will not be heard further.
- 3.12. If the subject of the complaint is the Principal, the complaint should be put in writing to the Chair of Governors. The Chair of Governors will appoint an investigating officer to review the matter. The Chair will nominate a governor to make a recommendation or decision based on that report or the Chair of Governors may fulfil this role.
- 3.13. If the subject of the complaint is the Executive Principal, the complaint should be put in writing to the Chair of the Board of The GORSE Academies Trust as described at paragraph 2.7. The Chair of the Trust will appoint an investigating officer to review the matter. The Chair will nominate a Director of the Trust to make a recommendation or decision based on that report, or the Chair of the Board may fulfil this role.

#### **4. STAGE THREE: APPEALS PANEL HEARING**

- 4.1. If the complainant is dissatisfied with the outcome of stage two they have a right to appeal to a specially convened panel of governors.
- 4.2. Appeals should be lodged with the Chair of Governors within 10 school days of receipt of the stage two decision. Where there is a delay in submitting an appeal without good reason, the Chair of Governors may decide that the appeal is out of time and will not be heard further.

- 4.3. The panel will meet within 25 school days of receiving the appeal and the complainant and the Principal will be informed of the date, time and venue of the hearing.
- 4.4. The complainant will receive, at least 5 school days before the panel meets, copies of any relevant correspondence, reports or interview notes taken into consideration by the investigating officer; and which he or she used in coming to their decision at stage two.
- 4.5. The panel will comprise of either 2 governors who have had no previous knowledge of or involvement in the case and an additional independent person<sup>1</sup> or 3 governors who have had no previous knowledge or involvement in the case as identified by the Chair of Governors. The panel should not include teaching or staff governors.
- 4.6. The panel will appoint its own chair, normally the Chair or Vice-chair of Governors. The chair of the panel will ensure that the appeal hearing is minuted.
- 4.7. The panel will consider the way the complaint has been investigated and handled by the academy/college. The panel will carry out a review of the methodology of the investigation carried out at stage two. It will hear the report of the investigating officer and any submissions on that report by the complainant.
- 4.8. It will be open to the governors to:
  - 4.8.1 Dismiss the complaint in whole or in part;
  - 4.8.2 Uphold the complaint in whole or in part;
  - 4.8.3 Decide on any reasonable action to resolve the complaint;
  - 4.8.4 Recommend changes to the Academy's systems or processes.
- 4.9. The complainant may be accompanied by a friend or relative to speak on their behalf or help present their case. A hearing will generally be conducted in accordance with Appendix B.
- 4.10. The decision of the panel is final and will be communicated in writing to the complainant, the Principal and the Chair of the Board of The GORSE Academies Trust within 5 school days.
- 4.11. A further stage of appeal can be taken to the Secretary of State at the Department for Education, but only on the grounds that the governing body or The TGAT Board is acting or proposing to act unreasonably or illegally.
- 4.12. If the subject of the appeal is the Executive Principal the appeal should be lodged with The Chair of the Trust's Board within 10 school days of receipt of the stage two decision. Where there is a delay in submitting an appeal without good reason, the Chair of the Trust Board may decide that the appeal is out of time and will not be heard further. The Chair of the Board will appoint a panel of 3 independent directors of the Board of the Trust (with no prior involvement in the matter) or 2 independent directors of the Board and an additional independent person<sup>2</sup> as identified by the Chair of Board. The panel will appoint its own chair who will ensure that the appeal hearing is minuted. The panel will consider the way the

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<sup>1</sup> independent of the management and running of the academy

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complaint has been investigated and will carry out a review of the methodology of the investigation at stage two. It will hear the report of the investigating officer and any submissions on that report by the complainant.

- 4.13. It will be open to the panel to reach any of the outcomes set out at paragraphs 4.8.1 – 4.8.4 (inclusive).
- 4.14. The complainant may be accompanied by a friend or relative to speak on their behalf or help present their case. A hearing will generally be conducted in accordance with Appendix B.
- 4.15. The decision of the panel is final and will be communicated in writing by the chair of the panel to the complainant, the Executive Principal and the Chair of the Board within 5 school days. There shall be no further right of appeal in respect of the decision of any panel of the TGAT Board with regard to complaints about the Executive Principal other than to the Secretary of State at the Department for Education on the grounds that the TGAT Board is acting or proposing to act unreasonably or illegally.

## **5. CONFIDENTIALITY**

- 5.1. All documentation and information retained in relation to the investigation of a complaint will be treated in confidence unless there is a specific reason which would require disclosure for example a referral in relation to Safeguarding.

## **6. GOVERNANCE**

- 6.1. The TGAT Board should be informed of the outcome of any complaint which reaches stage three.

# APPENDIX A: POLICY FOR UNREASONABLE COMPLAINANTS

## 1.0 INTRODUCTION

- 1.1 The GORSE Academies Trust (TGAT) 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 academies and college. 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.
- 1.2 TGAT defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with an academy/college would cause significant disruption to the safe and effective operation of the academy/college, harass or threaten any member of TGAT staff, or engage in vexatious complaints by seeking to re-open matters that have already been the subject of a concluded complaints procedure.
- 1.3 Where a complainant acts in an unreasonable fashion, the Principal, Executive Principal, Chair of Governors or Chair of the Trust Board (as relevant) may at any time inform the complainant that the complaints procedure has been exhausted and has come to an end by reason of the conduct of the complainant.

## 2.0 UNREASONABLE COMPLAINTS

- 2.1 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 academy'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 academy/college 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.

2.2 A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is:

- malicious;
- aggressive;
- threatening, intimidating or violent;
- made using abusive, offensive or discriminatory language;
- made knowing the complaint to be false;
- made using falsified information;
- otherwise made using conduct which is intended to intimidate, harass or is otherwise similarly inappropriate.

### **3.0 COMMUNICATIONS**

3.1 Complainants should limit the numbers of communications with the academy/college 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.

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

3.3 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 TGAT establishments, 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.

3.4 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 academy/college premises.

Although fulfilling a public function, academies/colleges are places where the safety of students and staff is paramount. The public has no automatic right of entry. TGAT will therefore act to ensure they remain safe places for students, staff and other members of the community.

## APPENDIX B: CONDUCT OF AN APPEAL HEARING

1. The Chair will welcome the complainant and introduce the panel members;
2. The Chair will explain the appeal hearing process and ask if there are any questions. Minutes of the hearing will be taken;
3. The complainant will present their complaint along with any comment on the documents produced or the manner in which the complaint was handled;
4. Questions may then be asked of the complainant;
5. The “deciding officer” in the Stage Two process will then present their reasons for why they reached their decision. Other witnesses may be invited to attend and speak where the Chair of the Appeal Hearing has agreed;
6. Questions may then be asked of the “deciding officer”;
7. Where the Chair of the Appeal Hearing has permitted other witnesses to be present, they may present their facts and may be questioned by the complainant, the “deciding officer” and the appeal panel.
8. The Chair will invite the complainant, and then the “deciding officer” to make their final statement;
9. The Chair will then inform the complainant that the appeal panel will consider the information heard and will provide a written response within 5 academy/college days.

## APPENDIX C: TEMPLATE COMPLAINT FORM

Complainant name:

Student name:

Relationship to student:

Address:

Contact email or telephone:

Full details of the complaint:

What actions have been taken to resolve the complaint:

What actions you believe will resolve the complaint:

I believe that all the facts stated in this document are true

Signature of complainant:

Date: