

COMPLAINTS POLICY

Approved by:	GFM Board	Date:	11/12/18
Maintained by:	HR	Next review due by:	11/12/20

1. INTRODUCTION

Under Part 7, Schedule 1 of the Education (Independent School Standards) (England) Regulations 2014, the School is required to have in place a procedure to deal with complaints relating to it and to any community facilities or services that the School provides.

This policy will be made available to the public on the School website.

2. POLICY AIM AND STATEMENT

2.1 Aim

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Complainants are encouraged to contact the School as soon as possible and ask to discuss the matter with the appropriate member of staff. We hope that the vast majority of concerns will be dealt with immediately, satisfactorily and at an informal stage. However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint for all concerned. The underlying principle is always that concerns be handled, if at all possible, without the need for formal procedures.

2.2 Scope

Complaints regarding: Admissions and Exclusions, Special Educational Needs, allegations of bullying by pupils, restructure and reorganisation proposals, staff discipline, curriculum, whistleblowing and complaints about services provided by other providers who may use the school premises or facilities are dealt with under separate procedures.

Complaints by employees of the School or GFM Education are usually dealt with under the grievance policy and procedure.

A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances.

The School may, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

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2.3 Recording Complaints

Complaints should be clearly set out in writing; however, the School will allow alternative methods where a complainant uses a different preference due to disability or a learning difficulty.

The School will record the progress of any formal complaint and the final outcome. The Headteacher will be responsible for these records.

3. THE PROCEDURE:

INFORMAL (speak with the relevant member of staff)

3.1 Raising concerns

Where an individual has a concern regarding a member of staff, they should raise it with that member of staff directly. It is hoped that this will enable a concern to be resolved and avoid the need for it to be escalated into a formal complaint.

3.2 Record of concerns

In the case of concerns raised informally, the only record of the concern and its resolution will be file notes and/or file correspondence between the person raising the concern and the respondent.

3.3 Unresolved concerns

If an acceptable resolution is not reached informally, the member of staff should refer to this policy.

The School recognises that there may be circumstances where an individual may find it difficult to raise an issue with a particular member of staff or a particular member of staff may feel compromised to deal with an issue. In these circumstances, the individual should raise the matter with their Line Manager or another member of the Senior Leadership Team (or, in the case of a complaint against the Headteacher, the Chair of the Local Governing Committee) for informal resolution.

Where a complaint is received, which does not appear to have explored this informal stage of the process and which does not indicate that there is a good reason why this has not been done, the next step may be to refer the individual back to the appropriate person and notify them about this procedure.

FORMAL

STAGE 1: Complaint heard by the Headteacher

3.4 Notification

An unresolved informal concern, a complaint which needs further investigation, or a more serious dissatisfaction with some aspect of the School's policies, procedures, practice, management or administration should be set out in writing as soon as possible following the exhaustion of informal resolution (where possible).

The School will acknowledge the complaint promptly and usually within 5 school days and will indicate the action that is being taken and the likely timescale for resolution. The Headteacher will consider the complaint and will reach a decision as to what action needs to be taken. If the complaint is regarding the Headteacher then the complaint should be sent for the attention of the Chair of the Local Governing Committee (via the Clerk to the Board) who will determine what action needs to be taken.

The Headteacher (or the Chair of the Local Governing Committee) will usually investigate the complaint; however, they may appoint another suitable person to investigate the complaint and produce a report, which the Headteacher (or the Chair of the Local Governing Committee) will consider in reaching a decision.

3.5 Outcome

The Headteacher (or the Chair of the Local Governing Committee) will confirm their decision in writing usually within 20 school days.

Please be aware that any complaint received during a school holiday or at the end of term or half term will take longer to resolve.

STAGE 2: Complaint heard by the Chair of the Local Governing Committee

3.6 Notification

If the complainant remains dissatisfied with the outcome of Stage 1, they should write to the Chair of the Local Governing Committee (care of the Clerk) setting out details of the complaint and the reasons why they wish to appeal against the decision reached at Stage 1, no later than 10 working days from the date of the School's outcome at Stage 1.

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The Chair of Governors will investigate the complaint and may meet with any parties involved in an endeavour to try and resolve the issue.

3.7 Outcome

The Chair of Governors will confirm their decision in writing usually within 20 school days.

Please be aware that any complaint received during a school holiday or at the end of term or half term will take longer to resolve.

STAGE 3: Complaint heard by a Complaint Appeal Panel

3.8 Request

If the complainant remains dissatisfied with the outcome of Stage 2, they should write to the Clerk of the Local Governing Committee setting out details of the complaint and the reasons why they wish to appeal against the decision reached at Stage 2, no later than 10 working days from the date of the School's outcome letter at Stage 2. The Clerk will remain the point of contact for the complainant during Stage 3.

3.9 Panel hearing

The Clerk will convene a Complaint Appeal Panel, usually within 20 school days if possible, consisting of at least three individuals who have not been directly involved in the matters detailed in the complaint. The panel will select its own Chair.

One panel member will be independent of the management and running of the school.

The Panel should receive in advance of the hearing:

- A summary of the actions taken under Stage 1;
- A copy of the formal complaint received under Stage 2;
- Documents relating to any investigation undertaken by the school;
- A copy of the outcome following Stage 1 and Stage 2; and
- A copy of the appeal documentation.

3.10 Acknowledgement

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A letter will be sent to the complainant inviting them to attend the hearing and to be accompanied by a family member or a friend if they wish. The letter will provide reasonable notice to attend.

3.11 The remit of the Complaints Appeal Panel

In most cases, the Stage 3 hearing will be attended by:

- The Panel;
- The Complainant;
- A member of HR to advise the Panel;
- A clerk.

It is not normally expected for the subject of the original complaint to attend or for witnesses to attend to give evidence in person.

The complainant has the right to request an independent panel if they believe there is likely to be bias from the appointed panel. This request must be put in writing to the Clerk to the Board no later than 5 school days before the hearing, setting out the reasons for the request.

The request will be considered, but Governors decision as to whether to accept the request for an independent panel is final.

4. Conduct of the Complaints Appeal Panel

4.1 The purpose of the hearing

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

4.2 Full and fair opportunity

The complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence. It should be made clear what resolution is sought by the complainant and why this is considered appropriate. The panel will consider documentary evidence and written and oral submissions. The Panel may adjourn the hearing to conduct further investigations, if necessary. The Panel's role is not to re-investigate the complaint, but to review the steps taken by the school up to that point.

4.3 The role of the Chair of the Panel

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The Chair of the Panel has a key role, ensuring that:

- No member of the Panel has a vested personal interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- The Panel is impartial and is acting independently;
- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed and key findings of fact are made;
- Each side is given the opportunity to state their case and ask questions;
- Panel deliberations are conducted in private; and
- The Panel's decision will be confirmed in writing following the hearing.

4.4 The Panel's Decision

The Panel will consider the complainant's appeal and may:

- 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 procedures to ensure that similar problems do not recur in the future.

Where a complaint is partially substantiated, the Panel may release information to the complainant about what action the School may be taking; however, details of the investigation or of any disciplinary procedures will not be released.

4.5 Notification of the Panel's decision

The Panel's finding will be sent, in writing, by the Clerk, to the complainant, the Chief Executive Officer and the Headteacher, and where relevant to the person complained about as soon as reasonably practicable and usually within 10 working days of the hearing. A copy of the letter will be held centrally by the Headteacher and will form part of a written record.

The Stage 3 Panel Hearing is the final stage of the School's complaints procedure and there is no further right of appeal.

4.6 Record of complaints

Written records will be kept of any meetings and interviews held in relation to the complaint and any action taken as a result of a formal complaint.

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All 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 Education and Skills Act 2008 requests access to them.

5. Education and Skill Funding Agency (ESFA)

If the school's complaints procedure has been exhausted and the complainant remains dissatisfied, they may refer the matter to the ESFA who will review the handling of the complaint and will consider whether the complaint has been dealt with properly by the School.

Anyone wishing to contact the ESFA or obtain further information should access the relevant page on the gov.uk website: www.gov.uk/complain-about-school

The ESFA will consider complaints about academies within one of the three areas:

- Where there was an undue delay in handling the complaint or the school did not follow its complaints procedure;
- Where the school is in breach of its funding agreement with the Secretary of State; or
- Where the school failed to comply with a legal obligation.

The ESFA will not overturn a school's decision, but where necessary, will ask the school to look into the complaint again or will request for corrective action to be taken.

6. Exclusions to the policy

6.1 Anonymous complaints

An anonymous complaint will only be investigated in very limited and exceptional circumstances. In such cases, the school may conduct a preliminary enquiry to ascertain whether there is any corroborative evidence to warrant a formal investigation.

6.2 Unreasonable conduct by a Complainant

The School is committed to resolving complaints efficiently and fairly and will not normally restrict contact that a complainant will have with the School. However, the School does expect its staff to be shown courtesy and respect and

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will not tolerate unacceptable behaviour which is considered to be abusive, offensive or threatening.

Complainants are asked to limit the number of communications with the School whilst a complaint is being considered or investigated to prevent delays in an outcome being reached.

Complainants or those acting on their behalf may be deemed to be acting unreasonably if (this list is not exhaustive):

- The complainant's letters/emails/telephone calls/SMS messages are often or always abusive, aggressive or intimidating or are known to be false and/or contain falsified information;
- The complainant makes insulting personal comments about or threats towards staff;
- The complainant is contacting the school repeatedly and excessively, but makes substantially the same point each time;
- The complainant exhausts all stages of the School's complaints procedure, but continues to pursue the same matter;
- The complainant refuses to cooperate with the complaints investigation process, while still wishing their complaint to be resolved;
- The complainant refuses to articulate their complaint despite being offered assistance by the School.

The Headteacher will, wherever possible, try to discuss concerns with the complainant before recording communication as 'unreasonable'.

The Headteacher or Chair of the Local Governing Committee will write to the complainant to notify them that their behaviour is deemed as being unreasonable by the School should they continue to behave in an unacceptable manner. The School may then decide to deal with the complaint by restricting contact to one named officer or limiting communication to formal letter only or to restricting the number of times communication is made each term.

Should unreasonable behaviour continue, the School may authorise staff to cease contact with the complainant (except in matters related specifically to the education or welfare of a child) and may conclude any investigation into the complaint.

As the School will already have made its position clear and taken reasonable steps to address the complaint, any further communication received will be read and placed on file. The School will review the position again after 6 months have lapsed.

6.3 Barring a parent from site

The School reserves the right to ask a parent to leave a school site where their behaviour is a cause for concern. This is likely to be as a result of aggressive, threatening or intimidating behaviour and may result in the police being notified.

The School will confirm the decision to bar a parent from site in writing, advising that their implied licence allowing them on to site has been temporarily revoked. The parent will be invited to appeal against the decision in writing, which will be reviewed.

Following review, if the decision is made to confirm a temporary barring from the School site, the parent will receive a letter advising them of the duration of the temporary barring from site.

6.4 Safeguarding referrals

The School has a duty to safeguard and promote the welfare of its pupils, which includes making referrals to the appropriate organisation, usually the Local Authority Children's Social Care Services if they have concern about the welfare of a child. It is not for the School to investigate or make a judgement about possible abuse or neglect, but they must refer any concerns that they may have. As such, complaints about safeguarding referrals made in accordance with statutory duty will not be considered under this procedure.

6.5 Allegations of Abuse

Allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chief Executive of GFM Education immediately.

7. Timescales

We aim to resolve any complaints in a timely manner.

For the purposes of this policy, a "working day" is defined as a weekday during term time, when the school is open. The definition of "working day" excludes weekends, Bank Holidays, and school holidays. Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints under this procedure must only relate to incidents or concerns occurring within the last twelve months. A parental complaint will not normally be considered if the child no longer attends a GFM School or if the member of staff concerned has left the employment of GFM Education.

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Appendix 1 - Concerns And Complaints Procedure – Flow Chart

