

# Complaints Policy

Approved by:	GFM Board	Date:	10 October 2022
Maintained by:	Kirstie Andrew-Power	Next review due by:	April 2024

## **Managing concerns and complaints**

The GFM aims to manage concerns and complaints sympathetically and efficiently in order to resolve them as soon as possible.

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The GFM takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

This policy will be made available to the public on the GFM and each School's website.

## **Addressing a concern - informal process**

You should discuss a concern with the appropriate member of staff as soon as you possibly can, if necessary, you can raise your concern with more senior staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member.

In most cases a concern will be resolved at these informal stages.

### **Record of concerns**

Concerns raised informally will be recorded as file notes and/or file correspondence between the person raising the concern and the respondent/s. Records of concerns are considered helpful points of learning in the GFM.

### **Unresolved concerns**

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

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.

## **Addressing a complaint - formal process**

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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the GFM school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **Raising a complaint**

The form in Appendix A should be completed and submitted to the GFM School or site. In most cases, this action will prompt Stage One of the complaints procedure.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please request support when required through the GFM school office.

Please note: all correspondence, statements and records relating to individual complaints are 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.

Please see summary flow diagram in Appendix B.

### **Stage One:**

The Complaint Form is sent to the Executive Headteacher, who will acknowledge receipt within three days.

The Executive Headteacher will complete an investigation (see Appendix B: Investigator) and keep detailed notes including:

- a clear and comprehensive summary of the complaint
- details of how the complaint has been followed up
- details of actions taken and decisions made
- outcomes.

In most cases, a resolution meeting with the complainant will follow the investigation.

The outcome of the investigation will be confirmed in writing within 20 school days.

## **Stage Two**

If the complainant is dissatisfied with the outcome at Stage one and wishes to take the matter further, they can escalate the complaint to Stage two. The complainant should write to the GFM Executive (Concerns and Complaints.)

The Executive Principal or Director of Schooling will investigate (see Appendix B: Investigator) the complaint and keep detailed notes including:

- a clear and comprehensive summary of the stage two complaint
- a review of actions taken and decisions made under stage one of the complaint
- details of actions taken and decisions made to revisit interviews, review notes etc
- outcomes.

The outcome of the stage two investigation can be for the GFM Executive to:

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the GFM Executive will decide on the appropriate action to be taken to resolve the complaint and/or where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

In most cases, a resolution meeting with the complainant will follow the investigation to outline the decision.

The outcome of the investigation will be confirmed in writing within 20 school days.

## **Stage Three - The Complaints Appeal Panel**

If the complainant is dissatisfied with the outcome at Stage two and wishes to take the matter further, they can escalate the complaint to Stage three. The complainant should write to the Clerk of the GFM Board.

The Clerk will work with the CEO or Chair of the Board to convene a Complaint Appeal Panel. The remit of the Complaints Appeal Panel is to consider all the evidence relating to the complaint, at each stage of complaint and to try to resolve the complaint. This is the final stage of the GFM complaints procedure and there is no further right to appeal.

In most cases, the Stage 3 Panel will consist of a Chair, the Clerk and two or more members (from the GFM Board of Trustees and Members, GFM Staff independent of the complaint.) An HR

representative may provide advice or guidance to the panel. The complainant and investigator for Stage two will be invited to attend.

The Panel will be provided in advance, and consider the following:

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

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 may bring someone along to provide support. This can be a relative or friend. We do not encourage either party to bring legal representatives to the appeal panel. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

### **The Panel's Decision**

The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

### **Notification of the Panel's decision**

The Chair of the Panel with the Clerk will confirm findings and recommendations to the complainant and, where relevant, the person complained about within 20 school days.

### **Next Steps**

If the complainant believes the GFM did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education and Skills Funding Agency (ESFA) after they have completed Stage three.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the GFM. They will consider whether the GFM has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint here: <https://www.gov.uk/complain-about-school>

## **Resolving complaints**

At each stage in the procedure, the GFM wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Scope of this 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 GFM may, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

This policy covers all complaints about any provision of community facilities or services by the GFM, other than those dealt with under other statutory policies and procedures in the GFM noted in Appendix D.

If other bodies are investigating aspects of the complaint, for example the police, safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the GFM in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **Anonymous complaints**

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

## Appendix A: Formal Complaint Form

Please complete and return this form to the Executive Head teacher via the relevant school office.

The Executive Headteacher will record the date the complaint is received, will acknowledge receipt of the complaint within 5 school days and begin the investigation.

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

<b>Your name:</b>
<b>If relevant</b> <b>Child/student's name:</b>
<b>Your relationship to the child/student:</b>
<b>Address:</b>
<b>Postcode:</b> <b>Telephone number:</b>
<b>Please give details of your complaint.</b> Please include here the contact you have had with school/staff in order to try to resolve the complaint.



**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 received:

Date acknowledgement sent (and by whom):

Complaint referred to:

## Appendix B: Flow diagram - Formal stages

Stages	Complainant's action	GFM and/or school action
<b>Stage ONE</b>	Complete formal complaints form  Appendix A	The investigator at Stage 1 is the Executive Headteacher who will acknowledge the complaint within 3 school days  Investigation takes place, 'GFM Complaints record' is used to guide action, follow up and record keeping.  In most cases a resolution meeting will take place with the complainant.  The outcome of the investigation (and resolution meeting) will be confirmed in writing within 20 school days.
<p><i>Resolved - agree and record follow up and next stages</i> <i>Unresolved - explain stage two process</i></p>		
<b>Stage TWO</b>	Write to GFM Executive (Concerns and Complaints)	The investigator at Stage 2 is the EP or DoS who will acknowledge the stage 2 complaint within 3 school days.  An investigation of each stage of the 'GFM Complaints record' is completed.  In most cases a resolution meeting will take place with the complainant and the Executive head teacher.  The outcome of the stage 2 investigation (and resolution meeting) will be confirmed in writing within 20 school days.
<p><i>Resolved - agree and record follow up and next stages</i> <i>Unresolved - explain stage three process</i></p>		
<b>Stage THREE</b>  <b>The Complaints Appeal Panel</b>	Write to Clerk of the GFM Board	This stage is managed by the CEO or Chair of the GFM Board who will appoint the Stage 3 Complaint Panel Chair and members from GFM Trustees and Members.  The clerk will acknowledge the complaint within 3 days and liaise with all parties.  A Stage 3 Complaints Panel will consider all the evidence relating to the complaint.  The Panel outcome will be confirmed in writing within 20 school days.

## Appendix C:

### Roles and Responsibilities relating to this policy

#### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school/GFM in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- respecting confidentiality and refraining from publicising details of their complaint on social media or other mediums.

#### Investigator

The investigator's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and those managing the original concern and complaint as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- keep the complainant updated with progress as appropriate.
- prepare comprehensive notes using headings in the GFM Complaints record.

The Stage 2 investigator will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Clerk to the GFM Board**

At Stage 3, The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate the materials relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- ensure the panel's decision is recorded and sent.

## **Panel Chair**

The panel's chair, who is nominated in advance of the complaint appeal panel, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR
- if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the investigator are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted

The Panel's Chair will liaise with the Clerk and Stage 3 investigator.

## **Panel Member**

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no Trustee, Member or GFM Staff may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the GFM/school and the complainant
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

### **In the event that the complainant is a child/young person**

Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

The welfare of the child/young person is paramount.

## Appendix D:

### Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the GFM, other than complaints that are dealt with under other statutory procedures which are outlined in GFM policies, including:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices