

Greenwood Tree Academy Trust

Handling Concerns and Complaints from Parents/Carers

**MILBORNE ST ANDREW FIRST
SCHOOL**

Version: 2

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POLICY DETAILS Author: Executive Headteacher and Board of Trustees Next Review Date:
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Adoption: 24 June 2019 Signed by Chair of LGB:

Signed by Headteacher of
School:

Target Audience: Staff/Pupils/Parents/Community

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June 2019 New policy 15 May 2019 2 May 2022 Minor typographical
changes

1. Introduction and Statement of Intent

1. GTAT takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.

2. This policy aims to ensure that:

- as far as is possible, all concerns will be dealt with promptly
- all complaints are dealt with as quickly and sensitively as possible, and by the person

best able to do so

- where a formal process is required, the steps involved are clearly outlined
- everyone is aware of their responsibilities

3. The emphasis is to understand, look into the concern and resolve the complaint as early as possible.

2. Scope and Applicability

1. This policy applies to all complaints received by the Trust from Parents/Carers.
2. This policy applies to all staff, governors and directors.

3. The Policy

Concerns and complaints

1. It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be raised with the individual academy as soon as possible to allow the matter to be considered carefully, potentially including (as appropriate to the issue that has been raised):

- clarifying the nature of the concern and what remains unresolved from the perspective of the person raising the concern
- establishing what has happened so far, and who has been involved, including seeking input from those who have been involved

2. A concern may arise (for example)

- from uncertainty regarding the application of academy rules or disciplinary procedures
- from misunderstanding or misrepresentation of an incident which has taken place inside or outside the academy
- where a parent/carers believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore good will

- where a parent/carer believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the academy's notice so that action can be taken to prevent a recurrence

3. Concerns should normally be raised with the member of staff most directly involved in the situation giving rise to the concern. Parents/carers will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within three working days.

4. A complaint may arise (for example)

- when an individual has previously raised a concern and is not satisfied with the response offered
- where an individual has serious disquiet over an incident that has taken place or a decision made in the academy and believes the academy has fallen short of appropriate standards

5. A complaint must be made in writing to the Headteacher/Head of School (potentially using the Complaint Form at the end of this document). If the complaint concerns the Headteacher it should be addressed to the Chair of Governors.

6. All correspondence and material relating to a complaint is confidential and will be held within each academy.

Investigating complaints

7. The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview

Resolving complaints

8. At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

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- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again; and
- an undertaking to review academy/Trust policies in light of the complaint

9. Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy/Trust could have handled the situation better is not the same as an admission of negligence.

10. At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

4. Stages of Complaint

Stage 1: Complaint heard by a member of SLT – normally the Headteacher or Head of School

1. It is in the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether their complaint will escalate.

2. Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint.

3. To ensure clarity of understanding, a Complaint Form needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff.
4. The member of staff hearing the complaint needs to ensure that they have investigated it appropriately.
5. The member of staff hearing the complaint will respond to the complainant in writing, with a copy issued to the Headteacher/Head of School and, where relevant, to the person complained about.
6. It is normally expected that complaints will be acknowledged within three working days, and the Stage 1 process completed within ten school days. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.

Stage 2: Complaint heard by the Chair of the Local Governing Body

1. The complainant should write to the Chair of the Local Governing Body giving details of either the areas of the complaint left outstanding following Stage 1 or concerning the Stage 1 process.

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2. The Chair may formally reject further investigation of the complaint if, in their judgement, the complaint:
 - was received too long after the alleged incident for realistic investigation to take place;
 - does not identify specific actions or incidents that are capable of being investigated;
 - refers only to issues that have already been determined;
 - raises only minor matters that should have been resolved in discussion with the staff member involved
 - is vexatious (see below for further information)
3. The Chair will put their judgement and rationale, including details of the process followed, in writing to the complainant, with a copy issued to the Headteacher/Head of School and, where relevant, to the person complained about.
4. It is normally expected that the Stage 2 process would be completed within ten school days of the Chair initiating Stage 2. If it is clear that the process is going to take longer than

this, the reasons for this should be explained to the complainant.

Individual complaints would not be heard by the whole Governing Body, as this could compromise the impartiality of any panel that may be subsequently set up as part of a disciplinary hearing for a member of staff if that is warranted.

5. If the Chair makes any recommendations regarding changes to academy processes as a result of the investigation, the Headteacher/Head of School will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Headteacher/Head of School's discretion unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/EFA requirements when the Headteacher/Head of School will be required to ensure compliance as soon as possible and liaise with the academy's Governing Body/Trust Board as appropriate.

Stage 3: Complaint heard by the Executive Headteacher

1. The complainant should write to the Executive Headteacher giving details of either the areas of the complaint left outstanding following Stage 2 or concerning the Stage 2 process.

The Executive headteacher may formally reject further investigation of the complaint if, in their judgement, the complaint:

- has not previously followed the process outlined in this policy
- was received too long after the completion of the Stage 2 investigation for further realistic investigation to take place;
- does not identify specific outcomes, actions or incidents that are capable of being investigated;
 - refers only to issues that have already been determined;
 - is vexatious (see below for further information)

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2. The meeting should be convened within 10 school days of the Executive Headteacher receiving notice of the complaint.

3. The meeting will be held in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The complainant may be accompanied by a friend/colleague.

4. Where the complainant remains dissatisfied, he may request that the complaint

proceeds to Stage 4.

Stage 4 Formal resolution: Panel Hearing

1. The Complaints Panel will comprise of at least three people who have no previous knowledge of the complaint. This may include:
 - A member of the local governing body of the academy when the complaint originated
 - A member of the local governing body from another academy within the Trust
 - A member of the Trust Board
 - An additional independent member
2. The complainant should write to the Chair of the Trust giving details of either the areas of the complaint left outstanding following Stage 3 or concerning the Stage 3 process. The Chair, or a nominated Trustee, will convene a Complaints Panel as detailed above.
3. Individual complaints would not be heard by the whole Board, as this could compromise the impartiality of any panel that may be subsequently set up as part of a disciplinary hearing for a member of staff if that is warranted.
4. The appeal hearing should be heard within 10 school days of the Chair receiving notice of the complaint.
5. The appeal hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The complainant may be accompanied by a friend/colleague.
6. The panel can:
 - dismiss the complaint in whole or in part
 - uphold the complaint in whole or in part
 - decide on appropriate action to resolve the complaint, or
 - recommend changes to the Trust's systems or procedures
7. The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to

re-open the matter will be considered as falling under the serial/persistent complaint section as below.

8. The decision of the panel is binding. The decision must be communicated within three working days of the hearing to the complainant, the Executive headteacher/Headteacher/Head of School, the Chair of the Governing Body and, where relevant, to the person complained about.

9. If the Complaints Panel makes any recommendations regarding changes to Trust processes as a result of the investigation, the Executive Headteacher will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Executive Headteacher's discretion unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/EFA requirements when the Executive Headteacher/Trust will be required to ensure compliance as soon as possible.

10. If the complainant still remains dissatisfied and feels the academy has acted unreasonably, or that it has failed to discharge a statutory duty, s/he may wish to refer their complaint to the Education Funding Agency.

This is accessed through the website www.gov.uk and the selection of the appropriate route.

5. Vexatious Complaints

1. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the academy is frequent, lengthy, complicated and stressful for staff;
- the complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the academy on an ongoing basis; or

- the complainant persistently approaches the academy (and potentially other parties such as the Department for Education) through different routes about the same issue in the hope of getting different responses.

2. If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the academy, a decision may be made to restrict contact. The options that may be considered include:

- requesting contact in a particular form (e.g. – letters only);
- requiring contact to take place with a named member of staff (e.g. – Principal);

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- asking the complainant to enter into an agreement about his/her future contact with the academy; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged but should be kept on file;
- If the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Trust/Local Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

6. Responsibilities Under the Policy

Trust

1. The Trust Board is responsible for:

- approving the Trust policy, procedures and guidelines;
- ensuring the Complaints Panel for Stage 4 complies with the appropriate processes;
- convening the Complaints Panel for Stage 4, or appointing another Trustee to convene the Complaints Panel and ensuring that this is done within the required timeframes; and
- checking that the correct procedure is followed.
- monitoring the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

2. The Chair of the Complaints Panel at Stage 4 is responsible for:

- the parties understand the procedure;

- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties to have the chance to be heard;
- any written material is seen by all parties; and
- related Child Protection and Data Protection rules are observed and maintained.

3. The Local Governing Body is responsible for:

- adopting the Trust policy, procedures and guidelines
- monitoring the level and nature of complaints relating to the academy

4. The Chair of the Local Governing Body at Stage 2 is responsible for ensuring that:

- the procedures at Stage 1 were followed

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- checking the correct procedure is followed at Stage 2

Executive Headteacher

5. The Executive Headteacher is responsible for:

- the overall internal management of the procedures;
- hearing complaints at Stage 3 of the procedure;
- ensuring that the procedures are monitored and reviewed and reports made to the Trust Board as appropriate, including reporting changes made to Academy processes as a result of recommendations from Stage 2/3 or Stage 4 processes.

Headteacher/Head of School

6. The Headteacher/Head of School is responsible for:

- the internal management of the procedures at each academy

- ensuring that complaints are recorded and safe records maintained at Stages 1 and 2
- reporting regularly to the Local Governing Body the numbers of complaints received
- ensure any recommended amendments to academy practice and processes are implemented

Company Secretary/ Trust Business Manager

7. To retain, in a confidential manner, the material relating to complaints, including Complaints Forms and all written judgements from Stages 3 and 4

All staff

8. All staff are responsible for:

- listening to any concerns brought to them by parents/carers and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- for informing the relevant staff of the concerns being raised; and
- passing any complaints received from other people who are not parents or students to the Headteacher/Head of School.

7. Appendices

Appendix One: Complaint Form Appendix

Two: Academy monitoring Form

PARENTS/CARERS COMPLAINT FORM

Please complete and return to the Headteacher/Head of School who will acknowledge receipt

and explain what action will be taken.

Your Name:

Pupil's Name:

Your relationship to the pupil:

Address:

Email address:

Daytime phone number:

Evening phone number:

Mobile phone number:

Please give details of your complaint:

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What action, if any, have you already taken to try and resolve the 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:

Date:

Academy Use only

Name Date
acknowledgement sent
Who sent
acknowledgement:

Signature:

Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary.

Stage 1 (complaint
heard by member of
staff)

Date

Signature:

Stage 2 (complaint
heard
by chair of Local
Governing Body)

Date

Signature:

Stage 3 (complaint
heard by
Executive Headteacher)

Date

Signature:

Stage 4 (Panel
hearing)

Date

Signature:

