

# Gloucestershire Learning Alliance

## Complaints Policy

<b>Status</b> Statutory <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Good Practice <input type="checkbox"/>
<b>Purpose</b> The management of the Gloucestershire Learning Alliance (GLA) has responsibility for the operations of all Academies that are part of the Alliance. We recognise that there will be occasions when parents, pupils or others who have contact with any aspect of our work will want to make a complaint. This document sets out the overall framework applying to all constituent Academies for dealing with complaints by people other than staff who should follow the Grievance Procedure. Each academy is required to follow the complaints process set out in this policy. This policy applies to all staff employed by the GLA. This Policy and Guidance takes into consideration the Education Act 2002)
<b>Consultation</b> This should include all the people who were consulted in the drawing up of this policy.
<b>Links with other policies</b> All GLA Policies
<b>Monitoring and Evaluation</b> Annually <input type="checkbox"/> Every 3 years <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____ CEO <input checked="" type="checkbox"/> Chair of MAT Board <input type="checkbox"/> Committee Chair <input type="checkbox"/> Other <input type="checkbox"/> _____
<b>Dates</b> Original Implementation June 2018 Review June 2021

## **1. INTRODUCTION**

Each of the Academies that make up the GLA strives to provide an excellent standard of education for all pupils. They seek to create an open, welcoming and approachable atmosphere where parents and pupils feel able to comment on their experience and to be partners with the Academy in achieving the goals of the school and of the individual pupils in the school.

However, we recognise that there will be times when parents, pupils or others affected by the Academy will want to raise a concern or make a formal complaint. This policy sets out how the GLA will respond to complaints and the principles that will apply to all the constituent Academies.

## **2. ACADEMY COMPLAINTS POLICY**

### **Complaints Procedure**

#### **A: INTRODUCTION**

The purpose of the following policy is to establish a structure whereby parental complaints can be heard and resolved. It is not intended that the procedures in this document should replace normal discussion on day to day problems and concerns as they arise. It is only when a complainant remains dissatisfied with the outcome of such discussions that further steps will need to be taken.

#### **B: AIMS**

- to ensure the rapid and efficient processing of complaints by parents against members of school staff, the Executive Headteacher, Heads of School or a Governor;
- to maintain strong and positive relationships within the school community.

#### **C: PRINCIPLES**

The following principles underpin the Complaints Policy:

- Parents will have ready access to the complaints procedure
- Complaints will be handled in a conciliatory, as opposed to a confrontational, manner
- All parties involved have equal rights
- The proceedings surrounding a complaint, both oral and written (including all correspondence, statements and records) will be confidential, except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them
- There will be close monitoring of all complaints, with results shared with the Local Governing Body, and if reaching stage 3, the Multi-Academy Trust Board

#### **D: COMPLAINTS PROCEDURE**

There are 4 stages outlined in the complaints procedure:

Stage 1: Informal resolution

Stage 2: Referral to Executive Head Teacher

Stage 3: Complaint referred to Chair of the CEO/Chair of the MAT Board

Stage 4: Complaints Appeal Panel

- Stage 1: In the case of unresolved concerns relating to a member of staff or school procedure including those received by a governor from a parent, the complainant should make contact with the Head of School in the first instance. An informal meeting will be arranged at the earliest convenient time to all parties where it is anticipated the complaint can be dealt with to the satisfaction of all parties. The Head of School will endeavour to resolve the concern informally, during the course of which investigation they may invite a third party in to observe any relevant meetings. Any member of staff complained against will be kept fully informed of the content of the complaint and will be given an opportunity to explain their actions. Should the complaint be about the head teacher, the Executive Headteacher will deal with the complaint at this stage.

**It is anticipated that the majority of parental concerns relating to the school procedures, organisation or education provided can be resolved at this early stage with the class teacher, Head of School or if relevant governor. In the event of this not being the case, the following procedure is available to the complainant.**

- Stage 2- Formal Resolution where the Executive Headteacher of the Academy, acknowledges the complaint within five working days and arrange a meeting to clarify and supplement any information given. The Executive Headteacher investigates further, interviewing witnesses if appropriate, keeping written records of meetings, telephone conversations and any relevant documents. Once the complaint has been investigated the Executive Headteacher will provide a written response to the complainant with any actions taken clearly listed within 10 working days
- Stage 3- If the matter cannot be resolved at this point the complainant is advised to write to the

Chief Executive Officer (CEO) and Chair of the Trust (MAT) Board. The CEO/Chair will acknowledge the complaint in five working days and then seek to meet with the complainant at the earliest convenient date for each party. The complainant may be accompanied by a friend. The CEO/Chair will seek to find out what resolution the complainant is seeking and why the resolution the EHT has put in place has not been satisfactory. The CEO/Chair will seek to resolve the matter and will respond in writing within 10 working days, with their findings or actions if necessary. If resolution is not achieved the complaint reaches stage 4.

- **Stage 4: Complaints Appeal Panel**

Role and Make-up of the Complaints Appeal Panel

The Complaints Appeal Panel will be made up of at least three members. At least two will be representatives of the Multi-Academy Trust board who have had no prior involvement or knowledge in the complaint and at least one will be an entirely independent member who has no connection to the Multi-Academy Trust Board or the individual academies. The role of the Complaints Appeal Panel is to review the complaint made by an individual and the response of the individual academy to that complaint. It is **NOT** an adversarial process therefore there will not be an opportunity for either party to enter into a debate with the other over the information presented to the panel. The panel will hear information from all parties and then reach a decision.

A meeting will be arranged within 20 working days of receipt of the written complaint, at which the complainant will be invited to present his/her case. See Appendix 1 for the conduct of the hearing.

The Complaints Appeal Panel will communicate its decision to all concerned parties, in writing, within 10 working days of the hearing. This communication will include:

- an explanation of how the decision has been reached
- any action to be taken

**Stage 5:** Complainants who are not satisfied with the findings of the Complaints Appeal Panel will have recourse to the **ESFA** (Education Skills and Funding Agency), specific contact details of which can be found in Appendix 2. The ESFA cannot overturn a decision made by the Governing Body, its role being purely advisory.

- The Complaints Appeal Panel will report to the full Governing Body at the next available meeting and to the Multi Academy Trust Board. The report will be confidential, and will avoid naming individuals.

## **E: STATUTORY RECORDING**

- The Academy will keep a written record of all complaints that are resolved under the formal complaints procedure (stage 2 onwards). This will include at what stage the complaint was resolved.
- The record will include a record of the complaint made and any findings, recommendations and any actions taken.
- The findings and any recommendations will be made available to the Executive Headteacher, Head of School and Multi-academy Trust board.
- This report will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

The Executive Headteacher of each Academy must publicise the Complaints Policy, in writing, to staff, parents and pupils. The policy must be published on its website and the address and details (of the website) made known to parents.

### **3. GLA COMPLAINTS**

In the event of a complaint to the GLA about its activities the CEO will deal with the complaints unless it is about them when it will be dealt with by the Chair of the MAT Board.

The procedure for dealing with complaints are set out below.

### **4. MONITORING AND EVALUATION**

All documentation regarding complaints at any of the Academies or to GLA (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Executive Headteacher's or CEO's report to the MAT Chair or the MAT Board.

The Local Governing Body of each Academy will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Local Governing Body will not name individuals.

The monitoring and review of complaints by the Academy and the Local Governing Body is a useful tool in evaluating the school's performance, and will contribute to school improvement. Any underlying issues identified will be addressed.

## **GLA COMPLAINTS PROCEDURE**

### **Stage 1 - Complaint referred to CEO**

- a) Face to face meeting within 10 working days with the complainant who has the right to be accompanied. CEO will explore whether an informal resolution is possible and make a record of the conversation.
- b) If the complainant agrees to an informal resolution, the CEO will conduct the appropriate investigation, take action that s/he considers appropriate and write to the complainant within 5 working days of completing the actions.
- c) Where the complainant does not wish an informal resolution, the Executive Headteacher will conduct the appropriate investigation and arrange a further meeting with the complainant to discuss what action is proposed.
- d) If the complainant agrees with the action proposed, this ends the complaint. The CEO completes the actions and writes to the complainant within 5 working days of the action being taken.
- e) If the complainant does not agree with the action proposed then the complaint moves to Stage 2.

### **Stage 2 - Complaint referred to Chair of MAT Board**

- a) Face to face meeting within 10 working days with the complainant who has the right to be accompanied. The Chair will explore the reasons why the complainant disagrees with the action proposed by the CEO and make a record of the conversation.
- b) Chair meets with CEO to explore options and seek a negotiated solution. The Chair may take what action s/he feels fit e.g.
  - i. Arrange further meetings with complainant
  - ii. Ask the CEO to do some further investigation
  - iii. Seek other information or advice
  - iv. Arrange for mediation
- c) Chair then decides on best course of action and writes to the complainant with his/her findings.
- d) If the complainant agrees with the action proposed, this ends the complaint. The Chair completes the actions and writes to the complainant within 5 working days of the action being taken.
- e) If the complainant does not agree with the action proposed then the complaint moves to Stage 3.

### **Stage 3 - Review by MAT Board Complaints Panel**

- a) The complainant writes to the MAT Board Complaints Panel setting out the reasons why they do not agree with the proposed action. The Panel convenes a Hearing at which the complainant (and companion if they wish) states their reasons and is questioned by the panel. The Chair of the MAT Board attends to give information about what has been done to date and may be questioned by the Panel and/or the complainant.
- b) The Panel retires to consider the case and make their decision. They write to the complainant within 5 working days of the Hearing.
- c) If the complainant does not agree with the decision then they have exhausted the organisation's procedures and may take their complaint to the funding body or EFSA.

The ESFA will check-

- Whether there was undue delay or that the Academy or Trust did not comply with its own complaints procedure
- Whether the Academy or Trust was in breach of its funding agreement with the Secretary of State
- Whether the Academy or Trust failed to comply with any legal obligation.

If it is found the Academy or Trust did not deal with the complaint properly then the ESFA will request it is looked at again and procedures correctly applied.

## **APPENDIX 1**

### **FORMAL COMPLAINT TO COMPLAINTS APPEAL PANEL**

#### **CONDUCT OF HEARING**

The procedure will be as set out below but will be conducted as informally as possible.

The Hearing will be minuted.

#### **1. Conduct of Hearing**

- The complaint will be heard by the panel. The Complainant, School's Representative or Person Complained About will usually be present. All parties are able to bring a representative with them to support them. These representatives should not form part of the presentations of either party. The panel must be informed that a representative will be joining the meeting.
- Procedure explained, including the role of clerk.
- Complainant will present details of their complaint to the panel.
- Questions to complainant by the panel in order to establish clarity.
- A representative of the school or Person Complained About will present details of the school's or their individual response to the complaint up to the point of the hearing.
- Questions to the school's representative and/or PCA by the panel in order to establish clarity.
- Concluding remarks by chair and explanation of what happens next.

#### **Conduct of all participants at the hearing:**

It is expected that all participants will behave in a reasonable manner. The purpose of the hearing is to consider the facts and opinions presented by all parties and reach a decision. THE PANEL ALONE HAS THE RIGHT TO QUESTION ANY PARTICIPANT. This is not an adversarial procedure and each participant is reminded that they may only speak directly to the panel during their scheduled time. Any participant who behaves in an adversarial way or who does not follow the procedure laid down by the panel at the start of the hearing (ii) will be asked to leave and the hearing will be conducted without them.

#### **2. The Decision**

- The committee can:
    - uphold the complainant in full
    - uphold it in part
    - dismiss it.
  - The Complainant, School's Representative and/or PCA will be informed in writing as soon as possible, but no longer than ten days after the Panel's decision. The Head teachers and the governing body & Multi-academy trust board will also be informed of the decision.
- There is no further recourse to the school for the Complainant. If the complainant is not satisfied with the findings of the Complaints Appeal Panel they will have recourse to the EFA specific contact details of which can be found in Appendix 2. The EFA cannot overturn a decision made by the Governing Body, its role being purely advisory.

## **APPENDIX 2**

The Education Reform Act 1988 requires the establishment of arrangements for the consideration of parental complaints relating to the school's provision for the National Curriculum. If a parent wishes to register a complaint regarding the failure of the school to provide a curriculum in line with the Act, including religious education and worship, then the Head of School, in the first instance, should be approached. The school's governing body and the Education Skills Funding Agency might also be involved. On any other matter, and dissatisfaction should also, in the first instance, be expressed to the Head of School.

## Complaints for which a Specific Procedure is laid down

### **a. Child Protection**

Any complaint involving an allegation of child abuse should immediately be referred to the Gloucestershire Local Authority. In cases where the allegation is against a member of staff, contact: Nigel Hatten, Local Authority Designated Officer (LADO) – Tel 01452 426994

### **b. Complaints against failure to assess a child's Special Educational Needs**

If the complaint is about the school's responsibilities at the Additional Needs Level, the head teacher should deal with the complaint. If the complaint concerns statutory assessment or children with an Education, Health and Care plan, the parent should contact Gloucestershire Local Authority – SEN casework.

### **c. Complaints about non-availability of a school place**

If a place at the parents' preferred school is not available and parents are not prepared to accept the place offered at another school, they have the right to appeal to the school appointed appeals panel. Contact the Executive Headteacher in the first instance

### **d. Exclusion of pupils from school**

Complaints about exclusion of pupils from school by the Executive HeadTeacher will be considered by the Governing Body Exclusion panel

### **e. Complaints about the curriculum**

Complaints within this category include those concerning:

- provision of the National Curriculum
- provision of Religious Education and worship
- exemptions from the National Curriculum
- operation of charging policy in relation to the curriculum
- compliance with regulations about the provision of information

Complaints should be dealt with by the head teacher.

### **f. Complaints against staff**

If it appears that disciplinary action against a member of staff may be necessary, the Conduct Procedures detailed in the GLA Conduct Policy should be followed.

### **g. Confidential complaints by staff ("Whistle Blowing")**

The GLA Whistleblowing Policy should be followed. 'Whistle Blowing' allows school staff who are concerned about possible malpractice or corruption at work to raise such issues in confidence. Areas covered by the Code include:

- gifts, hospitality, and sponsorship;
- use of school facilities and equipment;
- membership of a secret society.

### **h. Complaints about Racist Incidents**

A racist incident is defined as "any incident which is perceived to be racist by the victim or any other person". This definition has been agreed by the Government, the LA and Police Service. Guidance on responding to racist incidents is provided in the LA guidance "Racial Harassment in Schools", which can be found on their website.