

# **GMLT**

## **Complaints Policy**

**For**

**Trust Academies**

**(Effective from 24<sup>th</sup> January 2017)**

# A Greater Manchester Learning Trust Policy

## COMPLAINTS POLICY

### Approval History

Approved By:	Date of Approval	Version Approved	Comments
	01.2017	2	
Trust Board	09.2017	3	

### Revision History

Revision Date	Previous Revision Date	Rev	Summary of Changes	Changes Marked	Owner/Editor
12.09.17	Jan 17	1	Curriculum and Standards Amendments to wording additions to clarify stages	In bold In red	DO

# A Greater Manchester Learning Trust Policy

## Complaints

Date	Review Date	Coordinator	Nominated Governor
September 2017	September 2019	Executive Principal	Standards Chair

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Local Government Act 1974
- Local Government Act 1988
- Education Act 1996
- Data Protection Act 1998
- School Standards and Framework Act 1998
- Freedom of Information Act 2000
- Education Act 2005
- Education and Skills Act 2008
- Apprenticeship, Skills, Children and Learning Act 2009
- Children, Schools and Families Act 2010
- Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008
- Education (Independent Schools Standards) Regulations 2010
- Equality Act 2010
- Education (non-maintained Special Schools) Regulations 2011
- School Admissions (Appeal Arrangements) (England) Regulations 2012
- Education (Independent Schools Standards) Regulations 2014 (Part 7)

The following documentation is also related to this policy:

- Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted)
- School Admissions Appeals Code (DfE)

# A Greater Manchester Learning Trust Policy

## Our Approach

We believe that [*Parrs Wood High School*] provides an excellent education and that the Principal and school personnel work very hard to build positive relationships. There are in place clear lines of communication with all parents and others. In this way complaints should be kept to a minimum.

We are aware that we must have in place clear procedures to deal with any complaint made against the school or individuals connected with the school. We take all complaints seriously and we deal with them professionally following set procedures.

We believe that complaints should be resolved as quickly as possible however in some cases we must establish whether the issue brought to our attention is a complaint or a concern. In most cases issues will be resolved informally without the need to invoke formal procedures.

A concern is “an expression of worry or doubt over an issue considered to be important, for which reassurances are sought”. A complaint is best defined as “an expression of dissatisfaction however made, about actions taken or, indeed, a lack of action”. In making the distinction between a concern and a complaint, the number of formal complaints should be kept to a minimum.

In addition to parents/carers of children who are registered at this school any member of the general public is able make a complaint about any provision of facilities or services that we provide at this school.

We have a duty to inform parents and the general public who may wish to make a complaint against an organisation using school facilities that they must lodge their complaint with that organisation and not the school.

We have a duty to publish the complaints policy on the school website with hard copies available from the school office.

We understand that a complaint may be made in writing, by telephone or in person, however, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by having in place alternative methods to register a complaint.

As a school community we have a commitment to promote equality. An equality impact assessment has been undertaken which is in line with the Equality Act 2010.

This policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

# **A Greater Manchester Learning Trust Policy**

## **Aims**

- To define a process by which complaints are heard in our school.
- To deal with any complaint against the school or any individual connected with it by following the correct procedures.
- To deal with all complaints thoroughly and in an open, honest and fair manner.
- To ensure compliance with all relevant legislation connected to this policy.
- To share good practice in order to improve this policy.
- To differentiate between a concern and a complaint.

## **Responsibility for the Policy and Procedure**

### **Role of the Governing Body**

The Governing Body will:

- Have in place a complaints procedure
- Ensure that the complaints procedure complies with their obligation under the Equality Act 2010
- Delegate powers and responsibilities to the Principal to ensure all school personnel and visitors to the school are aware of and comply with this policy
- Deal with any complaint made against the Principal
- Not share detail of complaints with the whole governing body in case an appeals panel has to convene
- Arrange for an independent panel to hear a complaint if the whole governing body have full knowledge of the complaint
- Review annually the concerns/complaints log with the Principal
- Have in place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures
- Take into account any local or national decisions affecting the complaints process, and will make any modifications necessary to this policy
- Ensure that the complaints procedure is published on the school website, is available in hard copy on request and is concise, simple to understand and impartial
- Ensure that the school complies with equalities legislation
- Nominate a designated Equalities Governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy
- Ensure funding is in place to support this policy
- Ensure this policy is maintained and updated regularly

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- Ensure all policies are made available to parents upon request
- Make effective use of relevant research and information to improve this policy
- Ensure the effective implementation, monitoring and evaluation of this policy

### **Role of the Principal**

The Principal will

- Manage all complaints impartially
- Keep the complainant updated at all stages of the complaints procedure
- Keep a record in relation to the complaint
- Not share third party information
- Seek an interpreter where the need arises
- Refer any complaint made against him/herself to the Chair of Governors
- Ensure full and fair investigations are undertaken
- Ensure confidentiality
- Ensure all complaints are resolved as quickly as possible within realistic time limits
- Log all complaints received by the school and record how they were resolved
- Review the complaints log each year with the Governing Body
- Monitor and review complaints to see how they can contribute to school improvement
- Ensure all school personnel, pupils and parents are aware of and comply with this policy
- Provide leadership and vision in respect of equality
- Provide guidance, support and training to all staff
- Make effective use of relevant research and information to improve this policy
- Monitor the effectiveness of this policy by speaking with school personnel, parents and governors
- Annually report to the Governing Body on the instances of use and the development of this policy

### **Role of the complainant**

We ask the complainant to:

- Cooperate with school to find a solution to the complaint as quickly as possible
- Provide full information in relation to the complaint
- Be respectful to everyone involved in the complaint procedure

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## **Complaint Procedures**

### **Stage One – Informal Resolution**

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- The complainant, if a parent of a child at the school, should normally contact their child's teacher or Form Teacher, or the person with direct responsibility in the area of complaint. In many cases, the matter will be resolved straight away by this means to the parent's satisfaction. If the recipient of the complaint cannot resolve the matter alone, it may be necessary for him/her to consult a Vice Principal or the Principal.
- Complaints made directly to a Vice Principal or the Principal will usually be referred to the relevant staff member or Faculty Leader unless the Vice Principal or Principal deems it appropriate for him/her to deal with the matter personally.
- If the complainant is not a parent of the school, he/she should make the complaint directly to the Principal in writing.
- The school will make a written record of all complaints and the date on which they were received (see Appendix A). Where complaints involve parents these records will be kept for one year after the pupil leaves the school.
- The school will endeavour to resolve any informal complaints within 15 working days of them being raised, except where they are raised in school holidays or within two working days of their commencement where the school will endeavour to resolve them as soon as possible after commencement of the new term (usually within ten working days).
- Should the matter not be resolved as referred to above, or in the event that the member of staff concerned and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.
- Where the complaint is about the Principal, this should be addressed to the Chair of Governors, care of the Clerk to the Governing Body.

### **Stage Two - Formal Resolution**

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- If the complaint cannot be resolved on an informal basis (**as set out above**) then the complaint should be made in writing to the Principal. The complainant should also identify how he/she wishes the complaint to be resolved.
- The Principal will delegate responsibility for undertaking investigation of the complaint to a Vice Principal unless he/she deems it appropriate for him/her to deal with the matter personally.
- The Principal will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Principal will meet or speak with the complainant to discuss the matter. If possible, a resolution will be reached at this stage.
- The Principal will endeavour to speak to or meet the complainant within 15 working days of the formal complaint being received, except where the complaint is received in school holidays or within two working days of their commencement. In this instance the Principal will use his/her reasonable endeavours to speak or meet with the complainant as soon as possible after the commencement of the new term.
- The Principal will keep a written note of all meetings and interviews held in relation to the complaint.
- Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. The complainant will be informed of this decision and the reasons for it in writing. The written decision should be provided no later than ten working days after speaking or meeting with the complainant to discuss the matter. The Principal may also arrange to meet with parents to explain the decision.
- The school will keep a written record of all formal complaints including records of meetings and interviews held in relation to the complaint and the school's decision. Where the complainant is a parent, a record of the school's decision will be kept for one year after the pupil leaves the school. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal.
- Where the complainant is dissatisfied with the outcome of the response to their formal complaint, he/she has the opportunity to have their complaint considered by an independent Complaints Panel.

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## **Stage 3-Formal Stage**

- The complainant writes formally to the Clerk to the Governors Complaints Appeal Panel within 10 school days of the outcome of stage 2, outlining the reasons why he/she is not happy with the outcomes of the Principal's investigations and remedies sought.
- The complainant requests that an appeals panel reviews the complaint.
- An appeals panel meets within 12 to 20 days after the clerk's receipt of the complainant's letter
- Once an appeal has been received by the clerk, he/she will acknowledge the appeal in writing within five working days, and inform the complainant of the steps involved in this complaints procedure.
- A clerk will be appointed to support the panel. This may be a member of staff who has not been directly involved in the matters detailed in the complaint.
- The clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents. There should be at least 5 school days' notice of the appeals panel hearing date and every effort should be made to support all parties to attend the hearing. Any supporting documentation relevant to the complaint must be submitted to the appeals panel by both parties at least 5 days before the appeals panel hearing.
- The complainant will be entitled to be accompanied to the appeals panel hearing and should notify the clerk in advance if he/she intends to bring anyone to the hearing.
- The following are entitled to attend a hearing, submit written representations and address the Panel:
  - The complainant(s) (or, if aged over 18, the pupil) and/or one representative;
  - The Principal of the Academy and/or one representative; and
  - Any other interested person whom the Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making

## **The Appeals Panel**

- The appeals panel will be made up of a minimum of three representatives from the Local Governing Body and/or The Trust Board.
- No person can sit on the appeals panel who has had any former knowledge or

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involvement in the case that is being dealt with at that time. At least one member of the panel will be completely independent from the management and running of the school.

- The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.
- The panel will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel.
- The panel will hear the appeal(s), consider all the views expressed and decide the outcome in private.

### **Appeals procedure**

The procedure for an appeal is usually as follows:

- The complainant and Principal will enter the hearing together.
- The chair will introduce the panel members and outline the process.
- The complainant will explain the complaint.
- The Principal and panel will ask questions of the complainant.
- The Principal will explain the school's actions.
- The complainant and panel will ask questions of the Principal.
- The complainant will sum up his/her complaint.
- The Principal will sum up the school's actions.
- The chair will explain that both parties will hear from the panel within 5 working days.
- Both parties will leave together while the panel reaches a decision.
- The clerk will stay to assist the panel with the decision making process.

The chair of the panel/clerk to the panel will notify the complainant and the Principal of the panel's decision in writing within 5 school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the governing body.

The appeals panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar occurrences in the future

The panel's decision is final.

**See Appendix A and Appendix B:**

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## **Failure to follow the complaints policy**

In the event that a complainant feels that this policy has not been followed, or that the school is breaching its Funding Agreement or any other legal obligation, a complaint can be raised with the Education and Skills Funding Agency (ESFA)

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

or by using using the schools complaints form.

The ESFA will expect any complaints to have first been raised through the school's Complaints Policy.

## **Unreasonable complaints**

*[Parrs Wood High School]*, as a member of the Greater Manchester Learning Trust, is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to complainants. We will not normally limit the contact complainants have with the school, however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour. This includes behaviour which is abusive, offensive or threatening.

The Greater Manchester Learning Trust defines unreasonable complainants as "those which, because of their frequency or the nature of contact by the complainant with the school, hinder the school's consideration of that complaint or other complaints".

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate his/her 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 investigations process while still wishing his/her 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 complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented upon, or raises large numbers of detailed but unimportant questions, insisting they are fully answered, often to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.

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- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department of Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school 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.

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

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to cease such behaviour. Where further correspondence is received on the same matter, the school will be under no obligation to respond to it.

For complainants who excessively contact the school 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.

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. Other actions may include banning an individual from the premises.

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## **Reporting**

All staff should receive periodic training regarding the handling and management of complaints.

A written record should be kept of all complaints, and of whether they are resolved at the informal stage or proceed to the formal process. Any action taken by the school will also be recorded.

Correspondence, statements and records relating to individual complaints will remain confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requires access to them.

## **Raising awareness of this policy**

We will raise awareness of this policy via:

- The School Handbook/Prospectus
- The School website
- The Staff Handbook
- Meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
- School events
- Meetings with school personnel
- Communications with home such as weekly newsletters
- Reports such as annual reports to parents and Headteacher reports to the Governing body

## **Training**

All school personnel:

- Have equal chances of training , career development and promotion
- Receive training on induction which specifically covers:
  - All aspects of this policy
  - Communication
  - Communication Links
  - Community Cohesion
  - School Prospectus
  - School Website
  - Home-School Agreement
  - Equal Opportunities
  - Inclusion

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- Receive periodic training so that they are kept up to date with new information
- Receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

### **Equality Impact Statement**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, does not prioritise or disadvantage any pupil and helps to promote equality at the school.

### **Monitoring the Implementation and Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Principal and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

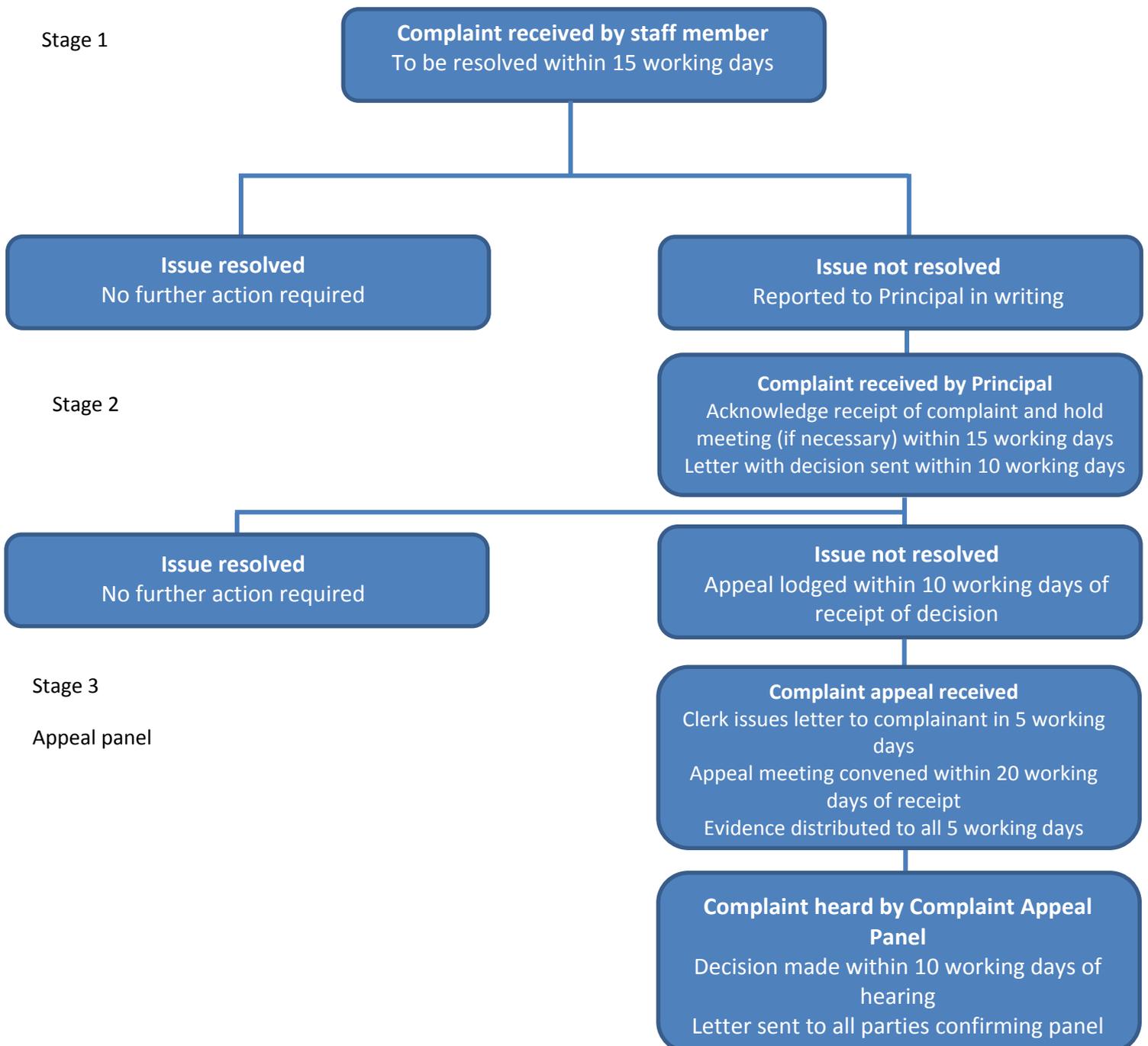
### **Linked Policies**

▪ <b>Communication</b>	▪ <b>Community Links</b>
▪ <b>Community Cohesion</b>	▪ <b>School Prospectus</b>
▪ <b>School Website</b>	▪ <b>Home-School Agreement</b>
▪ <b>Anti-Bullying</b>	▪ <b>Behaviour</b>
▪ <b>Safeguarding</b>	▪ <b>Child Protection</b>

<b>Headteacher:</b>		<b>Date:</b>	
<b>Chair of Governing Body:</b>		<b>Date:</b>	

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## Appendix A-School Complaints Flowchart



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## **Appendix B-Complaints Procedure (Summary)**

We hope that most complaints can be dealt with quickly on an informal basis. However should you wish to raise a formal complaint you can be assured that it will be treated seriously and confidentially.

The outline procedure for making a formal complaint is shown below -

### **Stage 1 (For parents of the school)**

Contact your child's teacher or Form Tutor and raise your concerns. They should be able to answer your concerns. If they cannot, they may consult with a Vice Principal or Principal. You will receive a response within 15 working days.

For complainants other than parents, write to the Principal outlining your complaint. You should expect to receive a response within 15 days.

### **Stage 2**

Parents: If your issue has not been resolved to your satisfaction you may take your concerns to the Principal.

You should write to him/her outlining your complaint and stating what action you feel needs to be taken to solve the problem.

Within 15 working days the Principal will decide upon what needs to be done. Very often he/she will arrange to meet with you to discuss your concerns and resolve them. It may be that a nominated senior leader investigates the complaint initially.

### **Stage 3**

If you feel that the Principal has not resolved your concerns you may appeal to an Independent Complaints Panel which will be set up specially to hear your appeal.

To make an appeal you should write to the clerk to the Governors stating your reasons. You will receive written confirmation of your request within five days and the Complaints Panel will hear your appeal within twenty days from the receipt of your complaint.

A decision will be made within ten days of the Complaints Panel meeting and you will be informed in writing of the outcome.