

The Good Shepherd Multi Academy Trust

Complaints policy

July 2016



**The Good Shepherd
Multi Academy Trust**

**Reviewed September 2017
Next Review September 2020**

Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

This policy will be used within the context of the vision and values of the Good Shepherd Multi Academy Trust and the individual academy. The following policy sets out the procedure that all academies within the Trust must adhere to.

Introduction

We believe that our academies provide a good education for all our children, and that the headteacher and other staff work very hard to build positive relationships with all parents/carers and the local community. We also believe that the central Trust office provides an effective service for our schools. We therefore welcome suggestions for improvement. If you have a concern or complaint, please let the academy/ central office know as soon as possible.

Through this policy the Trust and its academies aim to be fair, open and honest when dealing with any complaint. Careful consideration is given to all complaints and they are dealt with as swiftly as possible. It is our aim to resolve any complaint through dialogue and mutual understanding and, in all relevant cases, put the interests of the children above all other issues. Following this policy will provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

We expect LGBs and the Trust directors to use this process to contribute to school / Trust improvement. When individual complaints are heard, the schools/ Trust may also identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Trust can be a useful tool in evaluating performance and can inform improvements and the effectiveness of the complaints procedure. Good practice and expectations on procedures of all parties involved in the full complaints process are outlined in Appendix 1.

This procedure does not apply to (and will not be used for) statutory appeals in relation to:

- Admissions
- Exclusions
- Statemnting for children with special educational needs

Similarly, it will not be used for dealing with complaints relating to

- Child protection
- Staff discipline, capability or grievance

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools

and the Trust will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the Trust's formal procedure will be invoked through the stages outlined within this document.

Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out in the relevant paragraphs and summarized below. 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 and Bank Holidays.

1.	Informal with teacher/ member of staff	No time limit. If dissatisfied move to point 2.
2.	Informal with Headteacher or Chair of Local Governing Body/ Trust CEO	Contact made within 5 working days
3.	Formal complaint made	Usually within 3 calendar months of the incident or issue Acknowledgement made within 3 working dates.
4.	Notice of meeting	3 working days
5.	Final decision notified	15 working days from when complaint made

Policy Aim and Statement 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. Doing so is good practice, it is fair to those concerned and it helps to promote parents', students' and clients' confidence in our ability to safeguard and promote welfare and provide a good service. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

Statement:

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our culture. For complaints made by parents and students our intent is that they should never feel, or be made to feel, that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the school. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

This policy will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling within clearly defined **time-limits**;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's Senior Leadership Team and Directors / members of the Local Governing Body so that services can be improved.

Resolving complaints

At each stage of the complaints process the Trust will keep in mind ways in which a complaint can be resolved including by acknowledging that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- 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;
- an undertaking to review school policies in light of the complaint.

Who can make a complaint?

- Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school / the Trust provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.
- We recommend that the Local Governing Body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place;
- Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. '

The Complaints Process

Our procedure has three stages:

1. Responding to concerns informally
2. Making a formal complaint
3. Panel hearing of the complaint

The following steps are intended to provide guidance to anyone wanting to raise a complaint be they a parent/ carer, member of the public, client or customer.

1. Informal

If a parent/carers is concerned or unhappy about anything to do with the education that their child is receiving, or has any concern relating to the academy, they should, in the first instance, discuss the matter with their child's class teacher as soon as possible. The teacher has knowledge of both the child and events in the Academy, and is often best placed to help.

All teachers work very hard to ensure that each child is happy and is making good progress and they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

Parents/carers are always welcome to come into our academies, having arranged a suitable time with the teacher, to discuss their concerns or problems. Matters raised will be treated in confidence, but the teacher may have to make further enquiries in order to resolve a problem. All teachers will undertake this with care and sensitivity. Staff will endeavour to understand what parents/carers feel went wrong and will explain their own actions. They will ask what the academy can do to do to put things right and explain what they intend to do. Of course this does not mean that in every case parents/carers will be satisfied with the response, but it will help us all to understand the situation. It may also help to prevent a similar problem arising again.

Where a parent/carer feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head Teacher. This would also be the appropriate route for a member of the public who has a general concern about the academy. The Head Teacher has responsibility for the day to day running of the academy and will recognise that situations like this can be difficult and sensitive. The Head Teacher therefore considers any such complaint very seriously, will take the appropriate steps to follow up any concerns, investigates each case thoroughly and will then discuss the outcome. Obviously some time needs to be allowed for this to take place, but in most cases the Head Teacher will contact you again within 5 working days.

Should anyone have a complaint about the Head Teacher, they should first make an informal approach to the Chair of the Local Governing Body (LGB), or if they have a complaint about a member of central Trust staff, they should first make an informal approach to the Trust CEO or in the case of a complaint against the CEO, to the Chair of the Directors. Both the Chair of the LGB and the Trust CEO are then obliged to investigate it. They will then do all they can to resolve the issue.

If the complaint is about the Chair of the Local Governing Body then the complainant should contact the clerk to the LGB who will liaise with the CEO of the Trust in relation to the next steps (see complaints panel process below). In most cases the complaint will be heard by the Local Governing Body. Where there is a complaint against the Chief Executive Officer of the Trust then the complaint will be heard by a panel consisting of Directors of the Trust.

Each of the situations above is an example of how concerns may be addressed informally. The process is usually a verbal one, involving the parent/carers or members of public and a member of academy staff, headteacher, or member of the Local Governing Body. Concerns are always investigated and agreed actions followed through. However if the complainant is unhappy with the outcome, they can make a formal complaint, as outlined below.

2. Formal

If an informal approach does not affect a satisfactory outcome, or if parent/carers or members of the public feel that a concern is too serious to be dealt with informally, then the formal complaint procedure can be initiated. A dis-satisfied complainant has the right to pursue every stage of the procedure if they wish.

The Trust will comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made in writing, however the complainant may have communication preferences due to disability or learning difficulties and alternative methods of contact will be agreed. A complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of

meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the schools/ Trust may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. The schools/ Trust will record the progress of the complaint and the final outcome. The headteacher/ Trust CEO will be responsible for these records and hold them centrally. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

The formal complaint must include the following:

- state that you are making a complaint
- give specific details
- say what you want the school to do to put things right

The parent/carer or member of the public should send this formal written complaint, using the Complaints Form in Appendix 2 to the Chair of the Local Governing Body at the academy or to the Trust CEO and marked 'Confidential: for immediate attention.' Formal complaints will be acknowledged as soon as they are received, investigated fully and a written response communicated (normally within ten working days).

The Trust expects complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint) though the LGB/ Trust may consider exceptional circumstances for this.

3. Panel Hearing

If the Chair of the Local Governing Body/ Trust CEO cannot resolve the complaint, then it will be referred to the academy's/ Trust's Complaints Panel. The Panel will consist of at least three people who have not been directly involved with the matters detailed in the complaint. For LGB complaints panels, one of the people will be appointed by The Good Shepherd Multi Academy Trust and therefore be independent of the academy i.e. not a parent, member of academy staff or member of the Local Governing Body. Complaints will not be shared with the whole of the LGB. In cases where the full LGB know of the issue then the Trust will make arrangements for the complaint to be managed by a panel made up of experienced people independent of the school. Where a complainant feels there may be bias in the panel they may make a request for an independent panel though the decision to agree to this will be made by the LGB who would then refer the matter to the Trust CEO. For complaints involving the Trust three Directors will be involved.

The Complaints Panel will conduct a full investigation, carried out by an 'Investigator' and then arrange a meeting to discuss the complaint. They will invite the complainant to attend the meeting, so that they can explain their complaint in more detail. The academy/ Trust will give the complainant at least three days notice of the meeting.

The complainant may be accompanied at any hearing or interview by a friend/ companion. The companion may not play an active part in the investigation or meeting. The Complaints Panel may refuse permission for the companion to attend the meeting if the Panel considers there may be a conflict of interest. Notes will be made of the discussion and all parties asked to sign the notes to show that they are an accurate record of the meeting.

After considering the evidence, the Panel may make findings and/or recommendations about the complaint and will inform the complainant about it in writing within **15 working days** of receipt of the complaint. The Complaints Panel will do all they can at this stage to resolve the complaint to the complainants satisfaction.

The Panel can:

- 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/Trust's systems or procedures to ensure that problems of a similar nature do not recur

If any complainant is still not satisfied that the complaint has been dealt with properly, then they are entitled to complain to the Department for Education via the website at: [School complaints form - The Department for Education](#)

Records concerning a formal complaint, the investigation and its outcome will be kept in a confidential complaints file. Copies of the Panel's response will also be provided to any person complained about.

4. What can you expect from the academy/ Trust?

Anyone who raises informal or formal concerns and complaints with the academy/ Trust can expect them to:

- respond within a reasonable time
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils
- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the academies complaints procedure and advice from The Good Shepherd Multi Academy Trust, Cumbria County Council or diocesan authority
- keep those involved informed of progress

5. What can the academy/ Trust expect from the complainant?

The Trust and Local Governing Body expect anyone who wishes to raise problems with them to:

- Treat all staff with courtesy and respect;
- Respect the needs of academy pupils and Trust staff;
- Recognise the time constraints under which members of staff work and allow them reasonable time to respond to your concern.

Appendix 3 below outlines what constitutes unreasonably persistent, abusive or harassing complainants and vexatious complaints and how these will be dealt with.

6. Monitoring and Review

The Good Shepherd Multi Academy Trust and the members of the Local Governing Body at the academy will monitor the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher informs the Local Governing Body of all complaints received, within the parameters of confidentiality.

The Good Shepherd Multi Academy Trust takes into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy. This policy is made available to all concerned individuals via academy websites and The Good Shepherd Multi Academy Trust website, so that they can be properly informed about the complaints process.

Appendix 1 – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

Headteacher/ Trust CEO

The headteacher/ Trust CEO should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Local Governing Body, Trust directors and Clerk, as appropriate, to ensure the smooth running of the complaints procedure;
- keep records;

The Investigator

The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through a sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- consideration of records and other relevant information;
- interviewing staff, children/young people & other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the headteacher/ Trust CEO as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind & be prepared to persist in the questioning;
- keep notes of interviews or arrange an independent note taker to take minutes.

The Panel Clerk

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- 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;
- both the complainant and the school/ Trust are given the opportunity to state their case without undue interruption and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk

Panel Member

Panelists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;
- no LGB member/ Trust director 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 hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
- however, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting;
- parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will 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 a 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 hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests. The welfare of the child/young person is paramount.

Appendix 2 – Complaints Form

Please complete and return addressed to the Chair of The Local Governing Body at the school or the Trust CEO as relevant to the complaint. Please mark “*Confidential: for immediate attention*”. An acknowledgement will be sent with an explanation of what action will be taken.

Your name:	
Pupil’s name (if relevant):	
Your relationship to the pupil (if relevant):	
Address: Postcode: Day time telephone number: Evening telephone number:	
Please give details of your complaint.	
What action, if any, have you already taken to try and resolve your 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:
Official use	
Date acknowledgement sent:	By who:
Complaint referred to:	Date:

Appendix 3- Unreasonable Complaints

Unreasonably persistent, abusive or harassing complainants and vexatious complaints

Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps, supported by legal action as appropriate, to ensure that the academy/ Trust can continue its work safely and securely.

What is meant by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

- actions which are
 - out of proportion to the nature of the complaint, and/or
 - persistent – even when the complaints procedure has been exhausted, and/or
 - personally harassing, and/or
 - unjustifiably repetitious and/or
- an insistence on
 - pursuing unjustified, groundless complaints and/or
 - unrealistic outcomes to justified complaints and/or
 - refusing to accept the decision and/or
- an insistence on
 - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; and/or
 - making complaints in public; and/or
 - refusing to attend appointments to discuss the complaint and/or
 - refusing to specify the grounds of the complaint and/or
 - refusing to accept that issues are not within the remit of the complaints procedure or insisting that complaints are dealt with in ways which are incompatible with the adopted complaints procedure and/or
- actions which include
 - changing the basis of the complaint, and/ or denying statements previously made and/or introducing new information and/or
 - making unnecessarily excessive demands on the time and resources

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution. Behaviour will be considered harassment if:

- it appears to be deliberately targeted over a significant period of time at one or more members of Trust staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to Trust staff or others;
- it has a significant and disproportionate adverse effect on the academy community, interfering with the daily business of the education of pupils.

Academy/ Trust response to unreasonably persistent complaints or harassment

The academy/ Trust will make the following response:

- inform the complainant informally that his/her behaviour is now considered by the school/ Trust to be unreasonable or unacceptable, and request a changed approach

- If no change is forthcoming, inform the complainant in writing that the school/ Trust considers his/ her behaviour is unacceptable, what action is being taken and the duration of that action.
- require all future meetings with a member of staff to be conducted with a second person present: in the interests of all parties, notes of these meetings may be taken
- inform the complainant that, except in emergencies, the school/ Trust will respond only to written communication

Where a complainant continues to behave in a way which is unacceptable, the academy/ Trust may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However the academy will seek to limit any detriment to any pupils, as far as is reasonable within these circumstances e.g. access to parents evenings, newsletters, and any other correspondence.

Physical or verbal aggression

The Trust has a duty of care to its staff and pupils and will take emergency measures should these become necessary in extreme cases.

The Trust will not tolerate **any** form of physical or verbal aggression against its staff. If staff are subject to this type of aggression the Trust may:

- ban the individual from entering the school site, with immediate effect
- prosecute under Anti-Harassment legislation

Vexatious Complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Body or Trust Board of Directors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the academy or Trust to respond.

It is important to note, however, that should a complainant raise an entirely new and separate complaint that it will be responded to in accordance with this complaints procedure.

Barring from the School/ Trust Premises

Although fulfilling a public function, schools and Trust offices are private places. The public has no automatic right of entry. The Trust will therefore act to ensure that the schools and other Trust premises remain a safe place for pupils, staff and other members of their community.

If a someone's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the Trust can notify them in writing that their implied licence to be on school / Trust premises has been temporarily revoked subject to any representations that they may wish to make. Schools should always give the person involved the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the person involved, and either confirmed or lifted. If the decision is confirmed the person involved should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of the Local Governing Body/ Trust CEO as appropriate. However, complaints about barring cannot be escalated to the Department for Education. Once the Trust's complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.