



## Complaints Procedure

### Summary

This document explains:

- Dealing with concerns
- Who may make a complaint
- How a complaint is defined
- How a formal complaint can be made about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or support staff employed at the school
- How a complaint can be made about an Headteacher or the Chief Executive
- How the school will deal with that complaint and the time scales for responding
- How the school will try to settle a complaint by informal means
- How, if necessary, a hearing to consider a complaint will work
- What things are not covered by this procedure because separate arrangements apply
- What you can do if you are not happy with the outcome at school level

# **The Great North Wood Education Trust**

## **Complaints Procedure**

### **1. Context and Scope**

The Great North Wood Education Trust (The Trust) is required to have a Complaints Procedure by virtue of Part 7 of the Education (Independent School Standards) Regulations 2014. It has been written following the good practice recommendations made by the Department for Education. This policy is used by all schools in the trust.

The use of this policy is open to parents and carers of children attending a school in the Trust as well other members of our community and the wider public.

The Trustees delegate responsibility for the management of the complaints policy to individual schools. The Local Governing Bodies who will have responsibility for monitoring the operation of this policy. The exception is where the complaint is about the Chief Executive Officer (See 6.2 below).

This procedure does not cover complaints concerning admissions, SEND, exclusion, curriculum, collective worship, staff grievance or discipline, which are covered by separate legislation and procedures.

### **2. Inspection and Availability**

A copy of the complaints procedure is available for inspection in hard copy at the School's Reception and on the schools' and Trust websites:

[www.rosendale.cc](http://www.rosendale.cc)

[www.the-elmgreen-school.org.uk](http://www.the-elmgreen-school.org.uk)

[www.gnwet.org](http://www.gnwet.org)

### **3. Aims and Objectives**

Our trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

### **4. Dealing with Concerns**

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints.

We will always work to deal with any concerns that arise on matters effecting your child or yourself. The Trust is a welcoming environment which encourages an on-going dialogue between families and the school. Often the quickest way to resolve an issue is to talk to your child's class teacher or tutor. By sharing your concerns at an early stage the Trust and it schools can work to find a resolution that works for everyone. If you feel that our regular means have not addressed your concerns then our complaints procedure is available and even then we will work with you to resolve the matter through dialogue and cooperation.

## **5. Anonymous complaints**

There is no duty for Head Teachers or Governors to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Headteacher's discretion to consider whether a case needs further investigation or not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the school would involve appropriate external agencies.

## **6. Confidentiality**

All complaints will dealt with confidentially.

Part 7 of the Education (independent Schools Standard Regulations 2014 requires the Trust to ensure correspondence, statements and records relating to individual complaints is kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them

To comply with the Data Protection Act 2018 the written consent of the complainant will be obtained before disclosing information regarding a complaint to a third party. In order to investigate a complaint the person or organisation about whom the complaint is made will need to be informed so they can respond.

Notes of meetings and telephone calls will be kept securely and encrypted, where possible,

Minutes or notes of meetings will be redacted if required.

Details of complaints will be held separately from a student's file and not included with the students file on transfer.

The information will be retained and then destroyed in accordance with the Document Management Policy of the Trust.

## **7. Complaints Procedure**

Our Complaints Procedure 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 with established time limits for action and keeping people informed of the progress
- 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 effective response and appropriate redress, where necessary
- Provide information to the School's Senior Leadership Team to enable services to be improved.

### **7.1 Making a complaint**

If you believe your concern is of such seriousness that resolution can only be achieved through the complaints procedure you should normally make your complaint in writing setting out the nature of your complaint and if possible what outcome you are seeking. Complaints in writing can include an email or an email with an attached letter. The school will not however enter in email correspondence. All replies to you will be by letter.

In certain exceptional circumstances we will permit a formal complaint to be made orally, but it will be recorded in writing and you will be asked to confirm it as correct.

Complaints about school matters should be sent to the relevant headteacher

Complaints about a headteacher should be sent to the relevant Chair of Governors

Complaints about the Chief Executive Officer should be sent to the Chair of Trustees

### **7.2 Dealing with complaints**

We have adopted a three-stage process for dealing with complaints where the concern raised cannot be resolved using the normal means of communication.

Stage 1 – Complaint heard by member of staff (informal resolution)

Stage 2 – Complaint heard by Headteacher

Stage 3 – Complaint heard by Complaint Panel

See Appendix A

### **7.3 Complaints about a Headteacher**

Where the complaint concerns a Headteacher, and has been directly addressed to the Chair of the Local Governing Body, the matter should be referred to the Headteacher and a

response invited. The Chair will then respond to the complainant, who, if they are still dissatisfied, can request a panel hearing.

#### **7.4 Complaints about the Chief Executive Officer**

Where the complaint concerns the Chief Executive Officer in that role and not that of Headteacher, the matter should be referred to the Chair of the Board of Trustees, the matter should be referred to the Chief Executive Officer and a response invited. The Chair will then respond to the complainant, who, if they are still dissatisfied, can request a panel hearing. The Chair of the Board of Trustees cannot consider complaints about the individual in their headteacher role. These should be addressed to the Chair of the Local Governing Body.

### **8. Informal Resolution**

We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases a class teacher or an individual delivering the service, will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

### **9. Formal Procedures**

Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Headteacher of each school has overall responsibility for the operation and management of the school complaints procedure. In practical terms the Headteachers will nominate a senior member of staff to deal with matters on a day-by-day basis and to investigate any complaint. Once the investigation is complete the Headteacher will review the findings and decide on the best way to proceed.

#### **10.1 Investigating Complaints**

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far
- 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

- keep notes of the interview.

## **10.2 Resolving Complaints**

At each stage in the procedure we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge 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.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **10.3. Vexatious Complaints**

There will be occasions when, on proper investigation a complaint is deemed to be unfounded, malicious or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the Chair of the Governing Body will inform the complainant in writing that the procedure has been exhausted and that the matter is closed. They will be offered the opportunity to pursue their complaint with the Education and Skills Funding Agency (ESFA). See section 8.6

## **10.4 Time-Limits**

Complaints are considered, and resolved, as quickly and efficiently as possible. We set realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits may be set and the complainant sent details of the new deadline and an explanation for the delay. (See appendix C)

## **10.5 Panel Hearing**

Where the complainant is dissatisfied with the outcome of the school's investigation, the Headteacher should send the written request for the complaint to be heard by the Local Governing Body to the Chair of Governors and an acknowledgement to the complainant.

The procedure for a panel hearing is contained in Appendix 2

## 10.6 Further Stages

There is no further right of appeal to the Local Governing Body or School Trust. All complainants have the right, as a last resort, to contact the Education and Skills Funding Agency if they are not satisfied with the way in which their complaint has been considered. The ESFA have produced guidance on making a complaint which you access using the link below. This document also provides a link to the online complaint form.

<https://www.gov.uk/complain-about-school/state-schools>

## 10. Monitoring and Evaluation

The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each School in the Trust.

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

Policy Created	June 2017
Approved by Trust Board	17 July 2017
Review Period	3 years from 2019 subject to DfE guidance
Reviewed and updated	March 2019
Reviewed (DfE changes)	October 2019
Next Review	March 2022

## **APPENDIX A: THE FORMAL COMPLAINTS PROCEDURE**

### **The Stages of Complaints**

The formal complaints procedure has well-defined stages. At each stage we clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

#### **The school-based stages are follows:**

Stage one: complaint heard by staff member (though not the subject of the complaint)

Stage two: complaint heard by the Headteacher or nominee

Stage three: complaint heard by a complaints appeal panel; (See Appendix B). The panel will consist of three people who have not previously been involved with the complaint, one of whom will be independent of the management and running of the school.

If a complaint concerns the conduct of the Headteacher or a governor or where the Headteacher or governor has been involved in the issue previously then the matter will be referred to a senior member of staff or member of the Governing Body, not previously involved. In some circumstances school reserves the right to refer the matter to an external body.

### **Managing and Recording Complaints**

#### **Recording Complaints**

The progress of any complaint and the final outcome will be recorded by the school. A complaint may be made in person or in writing, which may include email). At the end of a meeting, if the complaint is made in person, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

#### **Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a termly basis to ensure the effectiveness of the procedure and make changes where necessary. Wherever possible, complaints information shared with the whole Governing Body will not name individuals.

The Trust is are committed to on-going improvement. Therefore as well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, we will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the Trust, school and the Governing Body helps us in evaluating our performance.



## APPENDIX B – PROCEDURE FOR A FORMAL PANEL HEARING

### Complaints Hearing

The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant.

The conduct of the meeting would be as follows:

The Chair of the panel will welcome the complainant, introduce the panel members and all other parties present and explain the procedure to be followed.

The Clerk to the Governors will be present to take minutes of the hearing.

- The Chair of the panel will invite the complainant to explain the complaint
- The panel members may question the complainant about the complaint and the reasons why it has been made
- The Headteacher will be invited by the Chair to question the complainant
- The Headteacher or investigating manager will then be invited to make a statement in response to the complaint. If the Headteacher has not investigated the complaint, they may call upon the investigator to be present at the hearing
- The panel members may question the Headteacher or investigating manager about the response
- The complainant will be invited by the Chair to question the Headteacher or investigating manager
- Any party has the right to call witnesses subject to the approval of the complaints panel. The panel members, the Headteacher and the complainant have the right to question these witnesses
- The complainant will be invited by the Chair to make a final statement
- The Headteacher or investigating manager will be invited by the Chair to make a final statement
- The Chair will explain to the complainant and the Headteacher/investigator that the panel will now consider their decision and a written decision will be sent to both parties within 10 working days. All parties will then be asked to leave the room except for the panel members and the clerk. They may be asked to remain in the vicinity if the panel wish to recall them to further clarify any issue.

The Complaints Panel will then consider the complaint and all the evidence presented and:

- reach a decision on the complaint and the reasons for it
- decide whether to accept the complaint in full, in part, or to reject it
- if the complaint is accepted in whole or part decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)
- where appropriate, suggest recommended changes to the schools 'systems or procedures to try to ensure that complaints of a similar nature are not made in the future.

The minutes of the meeting will be recorded and kept on file.

## Appendix C

### Time Scales for resolution of complaints

The Trust will work to the timescales for each stage of the process as far as is possible. There may be a longer time period required at the investigation stage to ensure all relevant information is gathered, where the investigation highlights additional lines of enquiry or if governors are not available within the 20 days for a Panel Hearing. We will keep you informed if any extensions to the time scale and will always aim to keep them to a minimum. (See section 8.4 of the Complaints Procedure).

<b>Informal Resolution</b>	
Complaint Received	Acknowledged within 5 school days
Initial Investigation completed	10 school days from receipt of complaint
Complainant informed of outcome	15 school days from receipt of complaint

<b>Formal Procedures</b>	
Complainant moves to Formal Stage	Acknowledged within 5 school days
Headteacher appoints investigating officer	Within 2 school days from receipt of complaint
Investigation completed	15 school days from receipt of complaint
Complainant informed of outcome	20 school days from receipt of complaint

<b>Panel Hearing</b>	
Complainant appeals outcome	Acknowledged within 5 school days
Panel of local governing body convened	20 school days from receipt of complaint
Complainant informed of outcome	5 school days after Panel Hearing